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THE TYRANNY OF PUBLIC OPINION.

THIS is one of the items generally included in the standing account made up against the United States by foreign newspaper writers, travellers and philosophers, and asserted so often and so resolutely, triumphed in by enemies, and sighed over by friends, that it has got to be received with the facility and invincibility of a proverb. We confess ourselves, however, indisposed to concur quite so readily as is commonly done, in its proverbial accuracy. If true, and to be admitted, it is a solemn subject for grief and lamentation, to which not having been born among the cirahers we are disposed to submit only upon the fullest evidence. We are loth to think that we wear any tyranny of so galling a character—that we are *ex officio* by the very nature and constitution of our government, by force of so terrific a democracy, a nation of hypocrites and time servers; for to this the exercise of a tyranny over the mind would soon lead us. Is there any such “tyranny” here, which is not chargeable, in various ways, upon human nature at large, and to which the countries of Europe do not bow, as well as ourselves? If it be so, it is time that we looked into the subject. The charge has been admitted at home with a readiness, however, to go very far to disarm the fact. Every discontented partisan or reformer who fails in establishing his pet project, finds his palliative for disappointment in that immense obstacle, the tyranny of public opinion. If the country really suffered from the evil, we should be likely to hear either more or less of the complaint. The pressure of the grievance would compel much noise and protestation, or the tyranny would be so complete that the sufferers would be crushed into silence.

A remark of a liberal writer in England, and friendly to the United States, a reformer, however, and at odds with the world, on his own account, has called our attention anew to this subject, on which we had often meditated before. Mr. Fox, the radical politician and independent preacher, in one of his lectures to the people remarks: “In the United States of America, there is no doubt an appalling exhibition of this tyranny of the opinions of the majority over the minority.

It is the great evil of the state of society in that country. When Richard Carlisle received that enormous sentence of three years' imprisonment at Dorchester jail, for his publications against Christianity, a remark was made by him, that this could not have happened in the United States of America. "No," said Cobbett, "there would have been no such sentence, but he would have been tarred and feathered without any trial at all." He then proceeds to strengthen his assertion by a quotation from Dr. Dewey's "Moral Views of Commerce, Society and Politics" which, to get the best statement of the point before us, we also shall proceed to quote. "We in this country have our own dangers. And the greatest of all dangers here, as I conceive, is that of general pusillanimity, of moral cowardice, of losing a proper and manly independence of character. I think that I see something of this in our very manners, in the hesitation, the indirectness, the cautious and circuitous modes of speech, the eye-asking assent before the tongue can finish the sentence. I think that in other countries you oftener meet with men who stand manfully and boldly up, and deliver their opinion without asking or caring what you or others think about it. It may sometimes be rough and hard, but at any rate, it is independent. Observe, too, in how many relations, political, religious and social, a man is liable to find bondage instead of freedom. If he wants office, he must attach himself to a party, and then his eyes must be sealed in blindness; and his lips in silence, towards all the faults of his party. He may have his eyes open, and he may see much to condemn, but he must say nothing. If he edits a newspaper, his choice is often between bondage and beggary; that may actually be the choice, though he does not know it; he may be so complete a slave that he does not feel the chain; his passions may be so enlisted in the cause of his party as to blind his discrimination and destroy all comprehension and capability of independence. So it may be with the religious partisan. He knows, perhaps, that there are errors in his adopted creed, faults in his sect, fanaticism and extravagance in some of its measures. See if you get him to speak of them; see if you can get him to breathe a whisper of doubt." This is the charge. What is the defence?

A primary distinction, and what may appear a very obvious one, is to be made in this matter at the outset. We are not to confound what is common to human nature and society every where, with what is peculiar to the United States, its government and manners. Dr. Dewey, we think, forgets this truism. Man will always be prone to surrender his own judgment to his own private tyrants within himself, to various social influences, and of course, to various influences which proceed from the state. Robinson Crusoe would probably cheat his conscience when alone on his desert island; he would probably succumb in some measure to the prejudices of the man Friday when he met with him. The Kamschatkan or the Icelander would probably have his own false views "of the partecklar feetness of things," as the Scotch metaphysician in Headlong Hall phrases it, induced by the defects, of which in all likelihood there are enough, of his particular system of government. To make the charge effective, these

errors must not only grow out of democratic systems of government, but they must exist in greater numbers than under any other government, otherwise there is nothing peculiar in the case, and the indictment must fall to the ground.

Dr. Dewey specifies our political, religious and social relations, as furnishing occasion for this bondage—in other words, he complains that a partisan is a partisan, that a church-man belongs to his church, and that society is—an association. A man who seeks office will, of course, swear by his party; he will breathe no disaffection to the policy of Tyler or Polk; he will eat his bread and butter without quarreling with it. It is the necessity of the case all the world over. Your Englishman, your royal stamped beef eater in the tower, will wash down church and state, as a matter of course, along with the public beverage; if you question him on the propriety of kings, lords and commons, you insult him. If the question be whether the situation of an office holder or a partisan is a favorable one for independent judgment on political affairs, the answer is that it most assuredly is not. With regard to religious relations, it is wise that a man should reluctantly relinquish the peculiar creed in which he has been born and educated, though it has yet to be shewn that proselytism is less frequent here than elsewhere. There is an instinctive feeling of repugnance to a man, universal in the world, who greedily seeks or lightly becomes a proselyte. It is frequently unjust, but it is founded on a sense of the proper stability of character and of the value of the influences of deeply rooted religious association, which is honorable and worthy of being cherished with the strictest jealousy. Granted, that in every religious association there are defects, growing out of the lapse of time or the ordinary imperfections of human affairs, which may be pointed out. The ground work of a man's faith being attacked, he will cling to every inch of the territory for defence, or mayhap, he may be merely hugging an idle prejudice; but a prejudice of this kind is not chargeable to the nation. His social prejudices too, may be called bondage, but they are not the tyranny of American public opinion. They may spring from the reign of fashion, which is despotic all the world over; they may be involved in the condition of the compact itself—a man attaching himself to a particular class of society becoming subject to the habits and customs of the people with whom he chooses to live. If he joins a clique he must, of course, work with the clique; if he eats other people's dinners, he must give dinners himself; if he goes to balls, he must give balls.

Englishmen are very fond of making this accusation. But the charge might be retorted upon them with equal, if not greater readiness. The conclusion a philosophical observer will be likely to come to, is, that it is as difficult for a man to be independent in the United States as in Great Britain—and as easy. There are a chain of circumstances in England, which fix this tyranny with greater definiteness and permanence. Take all the intolerance growing out of religious bigotry—in which country is it likely to be more annoying?—where a particular creed is protected by the state, hedged in by the guards and muniments of power and authority, attended upon by all

the obsequiousness which follows in the train of wealth and station, where dissent is not only the loss of time honored prestige, and the abandonment of strong conventional ties, but, in a measure, a species of treason against the state—or in that land where a creed has no authority, save that founded upon its compliance with the word of God, a just deference to history, and the good and benefit it sheds upon the world. Undoubtedly there is here an aggregate freedom of opinion which is in the nature of a verdict against particular creeds, but it is a just and philosophical verdict, growing out of the nature of things, the merit of the question, and not an issue between wealth and poverty, between high and low birth, between citizenship and alienship, between government officers and the governed. Just as there is any discrepancy in the proportion of sects and the predominance of error, just such is the tendency to the increase of the body which discovers the possession of a better system. Unitarianism, for instance, is tabooed in England; for a time, we believe, a marriage by its clergy was invalid; it is treated with prescription. In the United States it is still a very limited sect, but it is limited only by the very nature of the case, the comparative breadth and adaptation of its creed to human nature itself. If it supplies all the religious wants of man it will stand, if "the napkin is too little," it will fall.

In all social matters the superiority of America is beyond question. No man in this country is bound to be a sycophant by any restraint out-side of himself. There is no nobility to which he must implicitly submit, no squirearchy to which he must succumb. An American reads with pain the passages in the life and diary of Sir Walter Scott, in which, with a studied zeal, he lays aside all the claims of his intellect to do honor to a Lord, merely as such. The position of a man in England out-side of the privileged classes is either, we may say what else we will of it, is either sycophancy or submission.

From one exceedingly large class of social oppressions, America is free—that growing out of the prestige and false glory of military life. "A passion for a scarlet coat," Dean Swift's badge of English women, has been out of vogue in this country since the days of the Province. Our ladies are insensible to gold lace and tinsel, unless a heart beats beneath. The military, so far from fixing upon the country a false train of associations, is scarcely known at all, or looked upon with suspicion.

To take up, however, some particular cases in which public opinion is exerted. There is a righteous public opinion, as well as an abuse of it. No land, or age, or society of men have ever been beyond its influence. By the principle of association, it is at this day organized into a force and power. Undoubtedly there is danger, and these voluntary organizations are to be watched with the greatest jealousy; we get these, however, from England. All the power displayed by them is not chargeable upon the organization. There is the temperance society, which has done a great deal of good in breaking up the tyranny of fashion, but the force is nothing new. The power, brought to bear upon a citizen to keep him from the wine cup, is of the same nature with that which, in the last age, would have persecuted him

for not drinking his bottle. It was as difficult for one at that time to show a proper independence by remaining sober, as it is now by one to exhibit a spiteful independence by getting drunk. In the northern States a man is now put into coventry for fighting a duel, just as formerly he would have been for *not* fighting it.

Take a still stronger case, the burning of the Charlestown convent, and of the churches in the Philadelphia riots. There is nothing in these acts beyond the evil deeds of a fanaticism which has been shown in equal perfection in the No Popery riots of London, and the not very long destruction of an archbishop's palace in Paris. In the state of New-York we have a school question between Catholics and Protestants: in England, there are the discussions on the Maynooth Bill, and in France, the war of the University and the Jesuits. It is a fight of principles, not a tyranny of public opinion.

The point of Cobbet's criticism is Lynch law, but Lynch law is local, and is as often to be found in Europe as the United States. The destruction of machinery in England by the operatives, was Lynch law; so was the tumult in Wales, and so in peaceful Holland was the breaking up of the first omnibus in Amsterdam, by a band of hackney coachmen. It is time the tables were turned. There are probably few vices, private, social or political, of which Europe cannot furnish magnificent examples.

We should be sorry to think with Dr. Dewey, that there is a prevalence here of a sneaking want of manliness and independence beyond that chargeable upon human nature everywhere. There is any thing but a uniformity of opinion. There is anything but submission and deference. On the contrary, *quot homines, tot sententio*; the number of projectors, reformers and odd fishes, is remarkable, and the amount of bluntness and bluntness in the community incalculable.

We might vindicate the *press* in this score, and point to its conduct on the subject of repudiation; we might point to the balanced state of parties, as destructive of the idea of any soul crushing oppression by the majority; nay, we might point to the deservedly high estimation in which Dr. Dewey himself is held throughout the country, for his conformity to the national independence in speaking his own mind.

In commencing this paper, we purposed to say something of a true standard of opinion in our literature, an important subject, with so many collateral considerations, however, that it may be as well to reserve the subject for another occasion.

THEY DID NOT LAST.

THEY did not last—they did not last,
Those joys which fill'd my youthful heart;
They all are buried with the past,
I thought not then, they would depart,
When first I learned to love the air,
That fanned my brow and stirred my hair,
Roaming among the mountains wild,
A careless, lightsome, laughing child.

Then my young fancy went abroad,
 And marvelled at the mystery
 Of wond'rous nature—and the God,
 Whom mortal eye can never see;—
 I gazed, and wondered how the skies
 Were made—the clouds that floated o'er me,
 The rainbow, with its thousand dyes—
 All things above, beneath, before me.
 I watch'd the storm with raving joy,
 And laughed, because I was a boy—
 And thought it only hurtled there,
 'To mock the sun with crazy glare.
 I saw not from the rocky steep,
 The mariner upon the deep—
 The plaything of the frantic wave,
 That soon would roll above his grave.
 And then I wished the very strings,
 That held my life were torn asunder,
 That I might give my spirit wings,
 And soar beyond the rolling thunder.
 I watch'd the stars, until I felt
 The warm tears to my eyelids stealing;
 And had such thoughts as seemed to melt
 My soul, with wild, delicious feeling.
 Earth and heaven!—but 'tis strange,
 That time hath wrought this wond'rous change—
 Now I gaze upon the sky,
 With a cold and careless eye;—
 When the stars are shining brightly—
 When the breeze is whispering lightly—
 Not the shining star—the cloud,
 Can a single joy impart,
 Nothing makes my spirit proud—
 Worldly things have chained my heart;—
 Joys that with my childhood pass'd,
 Why, oh! why, did ye not last.

St. Augustine, Fla.

A. L. LEE, U. S. A

ANCIENT IRISH REMONSTRANCE.

BY THE LATE BISHOP ENGLAND

WE do not wish to enter deeply into Irish politics, nor into any politics; neither is it our desire to irritate nor to reproach. Our readers look to us for literary rather than for civil disquisitions; and our object is to gratify, whilst we endeavor more to direct to the source of instruction than undertake ourselves to instruct. But just at this moment the Emerald is rather a favorite gem, and though not sufficiently imbued with the principles of good Mussulmans to view the prophet's own colour as super-celestial, we must avow that we are fond of the refreshing tint, were it only for the lovely verdure of the humble Shamroc. We have glanced at a few pages of Irish history, and though not just now disposed to explore the origin of the *Tuatha de Danaan*, nor to come in contact with the *Firbolgs*; though we shall equally avoid the abstruse enquiry as to the manner in which the

venerable *Partholan* survived the universal deluge, and keep equally clear of Phœnicia, Carthage, Gallicia and young king Gurmond, the son of old king Belan, queen Elizabeth's great progenitor who reigned in England about two thousand five hundred and thirty years before her birth.*

We shall take a passing glance at the island of Saints. Again, however, let us disclaim any intention of approaching the formidable coast at a period when the gloomy magician could envelop it in such dense fogs that we might sail round it for days and weeks, and still its harmless cliffs would be equally invisible and impalpable. We shall neither take our readers into the study of *Ollamh Fodlha*, nor place them to hear the song of *Ossian* upon the hill of the winds, near the hall of his fathers, where the shade of the warrior of other days bestrides the cloud, and with an eye of flame bent across the waves upon the land of snow, screams, and whilst he strikes upon his shield with the spear which has drank the blood of Loughlin,

* One of the most extraordinary documents which Irish history contains, is the preamble to an Irish Act of Parliament, proving the title of Elizabeth to be Queen of Ireland. It is a curiosity in legislation, in literature, in antiquarian research, and we believe unique. Yet it proves what it was intended to defeat—the fact of the early Irish settlement, and that the settlers came from Spain. The reader will be amazed to think of such a fable copied from an Act of Parliament. It is taken from Eliz. xi. c. 1 se. 1. *An Act for the attainder of Shane O'Neile, and the extinguishment of the name of O'Neile, and the entitling of the Queen's Majesty, her heyres and successors to the County of Tyrone, and to other Counties and territories in Ulster.*

"And now, most deere sovereign ladie, least that any man which list not to seeke and learn the truth, might be ledd eyther of his own fantasticall imagination, or by the sinister suggestion of others, to think that the sterne, or lyne of the Oneyles should or ought, by prioritie of title, to hold and possess anie part of the dominion or territories of Ulster before your majestie, your heyres, and successors, we, your grace's said faithfull and obedient subjects, for avoyding of all such scruple, doubt, and erroneous conceit, doe intend here (pardon first craved of your majestie for our tedious boldness) to disclose unto your highness *your aunient and sundry strong authentique tytles*, conveyed farr beyonde the said lynage of the Oneyles and all other of the Irishrie to the dignitie, state, title and possession of this your realm of Ireland.

"And therefore it may like your most excellent majestie to be advertized, that the aunient chronicles of this realm, written both in the Latine, English, and Irish tongues, alledged *sundry aunient tytles for the kings of England to this land of Ireland.* And first, that at the beginning, afore the coming of Irishmen into the said land, they were dwelling in a province of Spain, the which is called *Biscan*, whereof *Bayon* was a member, and the chief cite. And that, at the said Irishmen's comming into Ireland, one king *Gurmond*, sonne to the noble king Belan, king of Great Britaine, which now is called *England*, was lord of *Bayon*, as many of his successours were to the time of king Henry the second, first conqueror of this realm: and THEREFORE THE IRISHMEN SHOULD BE THE KING OF ENGLAND HIS PEOPLE, AND IRELAND HIS LAND!

"Another title is, that at the same time that Irishmen came out of Biscay, as exhiled persons, in sixty ships, they met with the same king *Gurmond* upon the sea, at the yles of *Orcades*, then coming from Denmark with great victory. Their captains, called Heberus and Heremon, went to this king, and him tolde the cause of their coming out of Biscay, and him prayed, with great instance, that he would grant unto them, *that they might inhabit some land in the west.* The king at the last, by advice of the counsell, granted them *Ireland* that they might inhabite, and assigned unto them guides for the sea, to bring them thither; and THEREFORE THEY SHOULD AND AUGHT TO BE THE KING OF ENGLAND'S MEN!"

proudly chides the dastard whose heart trembles at the name of Erin: neither shall we lead them to review the knights of the "red branch" nor seat them in the Halls of Tara. We shall come down to a later period—to an age when the remains of the venerable oak which once gave to the Druid his shelter, his acorn and his missletoe, existed only in the beams of some cathedral, or abbey, or palace.

It was at this time, that after about a century and a half of conflict between the kings of England and the people of Ireland, the second Edward complained to the Pope, who was admitted as the common arbiter in Europe between king and king, and between the monarch and his subjects, that the Irish, who were his subjects, revolted against him. This was at a period when we are generally told that darkness overshadowed Europe—that every knee was bent in homage to the man of sin, that the great principles of civil and religious liberty were buried under the piles of monastic rubbish—and that on earth, as satan said it was in heaven, one mighty despot rose elevated in the centre, surrounded by a narrow circle of decorated slaves, obsequious to him and tyrants over others, each circle extending in its diameter and descending in its grade, until multiplied domination pressed with its accumulated load upon the abject mass of the subservient multitude. It was at such a time as this, after several disasters, the chieftains of Ireland having made their mighty effort to free their island from Danish thralldom, and having succeeded upon the glorious but bloody field of Clontarf; whilst they were next endeavoring to staunch the wounds, and to heal ravages which the barbarians had made, England, taking advantage of their weakness and dissensions, entered their country under the double plea of the donation of Pope Adrian, who had the generosity to bestow what was not his property, and of the invitation of a dethroned and degraded delinquent; and having succeeded by force and fraud in establishing her adventurers in some of the eastern parts of the island, used her best efforts by similar means to extend her dominion over the whole country. It was at such a time as this that those chieftains protested against the assumed power of the Pope, though they were most devoted Roman Catholics, with as much freedom as they denounced the usurpations of the British Kings, and transmitted to Rome a Remonstrance, the language of which, for its pure and elegant latinity, and full nervous and glowing periods, is a master-piece of eloquence.

We take pleasure in laying before our readers the following extracts from its translation, as given by Plowden and other English historians of Ireland:—

"It is extremely painful to us, that the viperous detractions of slanderous Englishmen, and their iniquitous suggestions against the defenders of our rights, should exasperate your holiness against the Irish nation. But alas, you know us only by the misrepresentation of our enemies, and you are exposed to the danger of adopting the infamous falsehoods, which they propagate, without hearing any thing of the detestable cruelties they have committed against our ancestors, and continue to commit even to this day against ourselves. Heaven forbid, that your holiness should be thus misguided; and it is to protect our unfortunate people from such a calamity, that we have resolved here to give you

a faithful account of the present state of our kingdom, if indeed a kingdom we can call the melancholy remains of a nation, that so long groans under the tyranny of the kings of England, and of their barons, some of whom, though born among us, continue to practice the same rapine and cruelties against us, which their ancestors did against ours heretofore. We shall speak nothing but the truth, and we hope that your holiness will not delay to inflict condign punishment on the authors and abettors of such inhuman calamities.

"Know then that our forefathers came from Spain, and our chief apostle, St. Patrick, sent by your predecessor, Pope Celestine, in the year of our Lord 435, did by the inspiration of the Holy Ghost, most effectually teach us the truth of the Holy Roman Catholic faith, and that ever since that, our kings, well instructed in the faith that was preached to them, have, in number sixty-one, without any mixture of foreign blood, reigned in Ireland to the year 1170. And those kings were not Englishmen, nor of any other nation but our own, who with pious liberality bestowed ample endowments in lands, and many immunities, on the Irish church, though in modern times our churches are most barbarously plundered by the English, by whom they are almost despoiled. And though those our kings, so long and so strenuously defended, against the tyrants and kings of different regions the inheritance given by God, preserving their innate liberty at all times inviolate; yet Adrian IV. your predecessor, an Englishman, more even by affection and prejudice, than by birth, blinded by that affection and the false suggestions of Henry II. King of England, under whom, and perhaps by whom, St. Thomas of Canterbury was murdered, gave the dominion of this our kingdom by a certain form of words to that same Henry II. whom he ought rather to have stript of his own on account of the above crime.

"Thus, omitting all legal and judicial order, and alas! his national prejudices and predilections blindfolding the discernment of the pontiff, without our being guilty of any crime, without any rational cause whatsoever, he gave us up to be mangled to pieces by the teeth of the most cruel and voracious of all monsters. And if sometimes nearly flayed alive, we escape from the deadly bite of these treacherous and greedy wolves, it is but to descend into the miserable abysses of slavery, and to drag on the doleful remains of a life more terrible than death itself. Ever since those English appeared first upon our coasts in virtue of the above surreptitious donation, they entered our territories under a certain specious pretext of piety and external hypocritical show of religion; endeavoring in the mean time, by every artifice malice could suggest, to extirpate us root and branch, and without any other right, than that of the strongest, they have so far succeeded by base and fraudulent cunning, that they have forced us to quit our fair and ample habitations and paternal inheritances, and to take refuge, like wild beasts, in the mountains, the woods, and the morasses of the country; nor can even the caverns and dens protect us against their insatiable avarice. They pursue us even into these frightful abodes, endeavoring to dispossess us of the wild uncultivated rocks, and arrogating to themselves the property of every place on which we can stamp the figure of our feet; and through an excess of the most profound ignorance, impudence, arrogance, or blind insanity scarce conceivable, they dare to assert, that not a single part of Ireland is ours, but by right entirely their own.

"Hence the implacable animosities and exterminating carnage, which are perpetually carried on between us; hence our continual hostilities, our detestable treacheries, our bloody reprisals, our numberless massacres, in which, since their invasion to the present day, more than 50,000 men have perished on both sides; not to speak of those who died by famine, despair, the rigors of captivity, nightly marauding, and a thousand other disorders, which it is impossible to remedy, on account of the anarchy in which we live—an anarchy, which alas! is tremendous, not only to the state, but also to the church of Ireland—the ministers of which are daily exposed, not only to the loss of the frail and transitory things of this world, but also to the loss of those solid and substantial blessings which are eternal and immutable.

"Let these few particulars concerning our origin, and the deplorable state to which we have been reduced by the above donation of Adrian IV. suffice for the present.

"We have now to inform your holiness, that Henry, king of England, and the four kings his successors, have violated the conditions of the pontifical bull, by

which they were empowered to invade this kingdom; for the said Henry promised, as appears by the said bull, to extend the patrimony of the Irish church, and to pay to the apostolical see, annually, one penny for each house; now these promises both he and his successors above mentioned, and their iniquitous ministers, observed not at all, with regard to Ireland. On the contrary, they have entirely and intentionally eluded them, and endeavored to force the reverse.

"As to the church lands, so far from extending them, they have confined them, retrenched them, and invaded them on all sides, insomuch that some cathedral churches have been by open force, notoriously plundered of half their possessions; nor have the persons of our clergy been more respected, for in every part of the country, we find bishops and prelates cited, arrested, and imprisoned, without distinction, and they are oppressed by such servile fear by those frequent and unparalleled injuries, that they have not even the courage to represent to your holiness the sufferings they are so wantonly condemned to undergo. But since they are so cowardly and so basely silent in their own cause, they deserve not that we should say a syllable in their favor. The English promised also, to introduce a better code of laws, and enforce better morals among the Irish people; but instead of this they have so corrupted our morals, that the holy and dove-like simplicity of our nation is, on account of the flagitious example of those reprobates, changed into the malicious cunning of the serpent.

"We had a written code of laws, according to which our nation was governed hitherto; they have deprived us of those laws, and of every law except one, which it is impossible to wrest from us; and for the purpose of exterminating us they have established other iniquitous laws, by which injustice and inhumanity are combined for our destruction. Some of which we here insert for your inspection, as being so many fundamental rules of English jurisprudence established in this kingdom.

"Every man not an Irishman, can on any charge however frivolous, prosecute an Irishman; but no Irishman, whether lay or ecclesiastic, (the prelates alone excepted) can prosecute for any offence whatsoever, because he is an Irishman. If any Englishman should, as they often do, treacherously and perfidiously murder an Irishman, be he ever so noble or so innocent, whether lay or ecclesiastic, secular or regular, even though he should be a prelate, no satisfaction can be obtained from an English court of justice; on the contrary, the more worthy the murdered man was, and the more respected by his countrymen, the more the murderer is rewarded and honored; not only by the English rabble, but even by the English clergy and bishops; and especially by those, whose duty it is chiefly, on account of their station in life, to correct such abominable malefactors. Every Irish woman, whether noble or ignoble, who marries an Englishman, is after her husband's death deprived of the third of her husband's lands and possessions, on account of her being an Irish woman. In like manner, whenever the English can violently oppress to death an Irishman, they will by no means permit him to make a will or any disposal whatsoever of his affairs; on the contrary, they seize violently on all his property, deprive the church of its rights, and per force reduce to a servile condition that blood, which has been from all antiquity free.

"The same tribunal of the English, by advice of the king of England and some English bishops, among whom the ignorant and ill-conducted Archbishop Armagh was president, has made in the city of St. Kenniers (Kilkenny) the following absurd and informal statute: that no religious community in the English Pale, shall receive an Irishman as novice, under pain of being treated as contumacious contemners of the king of England's laws. And as well before as after this law was enacted, it was scrupulously observed by the English Dominicans, Franciscans, monks, canons, and all other religious orders of the English nation, who showed a partiality in the choice of their religious subjects; the more odious, inasmuch as those monasteries were founded by Irishmen, from which Irishmen are so basely excluded by Englishmen in modern times. Besides, where they ought to have established virtue, they have done exactly the contrary! they have exterminated our native virtues, and established the most abominable vices in their stead.

"For the English, who inhabit our island, and call themselves a middle nation, (between English and Irish) are so different in their morals from the English of England, and of all other nations, that they can with the greatest propriety, be

styled a nation, not of middling, but of extreme perfidiousness; for it is of old, that they follow the abominable and nefarious custom, which is acquiring more inveteracy every day from habit, namely, when they invite a nobleman of our nation to dine with them, they, either in the midst of the entertainment, or in the unguarded hour of sleep, spill the blood of our unsuspecting countrymen, terminate their detestable feast with murder, and sell the heads of their guests to the enemy. Just as Peter Brumicheame, who is since called the treacherous baron, did with Mauritius de S—— his fellow sponsor, and the said Mauritius' brother, Calnacus, men much esteemed for their talents and their honor among us; he invited them to an entertainment on a feast day of the Holy Trinity; on that day the instant they stood up from the table, he cruelly massacred them, with twenty-four of their followers, and sold their heads at a dear price to their enemies; and when he was arraigned before the king of England, the present king's father, no justice could be obtained against such a nefarious and treacherous offender. In like manner Lord Thomas Clare, the Duke of Gloucester's brother, invited to his house the most illustrious Brien Roe O'Brien, of Thomond, his sponsor.

"All hope of peace between us is therefore completely destroyed; for such is their pride, such their excessive lust of dominion, and such our ardent ambition to shake off this insupportable yoke, and recover the inheritance, which they have so unjustly usurped; that, as there never was, so there never will be any sincere coalition between them and us: nor is it possible there should be in this life, for we entertain a certain natural enmity against each other, flowing from mutual malignity descending by inheritance from father to son, and spreading from generation to generation.

"Let no person wonder then, if we endeavor to preserve our lives, and defend our liberties, as well as we can, against those cruel tyrants, usurpers of our just properties, and murderers of our persons; so far from thinking it unlawful, we hold it to be a meritorious act, nor can we be accused of perjury and rebellion, since neither our fathers or we, did at any time bind ourselves by any oath of allegiance to their fathers or to them, and therefore without the least of remorse of conscience, while breath remains, we will attack them in defence of our just rights, and never lay down our arms until we force them to desist. Besides, we are fully satisfied to prove in a judicial manner, before twelve or more bishops, the facts which we have stated, and the grievances, which we have complained of. Not like the English, who, in time of prosperity, condemn all legal ordinances, and if they enjoyed prosperity at present, would not recur to Rome, as they do now, but would crush, with their overbearing and tyrannical haughtiness, all the surrounding nations, despising every law human and divine.

"Therefore, on account of all these injuries, and a thousand others, which human wit cannot easily comprehend, and on account of the kings of England, and their wicked ministers, who, instead of governing us, as they are bound to do, with justice and moderation, have wickedly endeavored to exterminate us off the earth, and to shake off entirely their detestable yoke, and recover our native liberties, which we lost by their means, we are forced to carry on an exterminating war; choosing in defence of our liberties, rather to rise like men and expose our persons bravely to all the dangers of war, than any longer to bear like women their atrocious and detestable injuries; and in order to obtain our interest the more speedily and consistently, we invite the gallant Edward Bruce, to whom, being descended from our most noble ancestors, we transfer, as we justly may, our own right of royal dominion, unanimously declaring him our king by common consent, who in our opinion and that of most men, is as just, prudent and pious, as he is powerful and courageous: who will do justice to all classes of people, and restore to the church those properties, of which it has been so damnably and inhumanly despoiled," &c.

Upon viewing this document we really feel that the charge of barbarism against its compilers is rather *mal a propos*. We must understand the state of Europe at the time, before we can pass a correct judgment upon the occurrences or documents of the age. Whoever reads Hallam's history of the middle ages, and it is a pleasing and very instructive work, will see the extent to which the great princi-

ples of the feudal system were carried. What would be thought of the wisdom of him who would test our acts and institutions by the principles of Russian government? What would we say of the tact of him who would decide upon the correctness of the administration of Chinese Mandarins by comparing their acts with our laws? Just as wise would be the decision of our modern sages upon the character of documents of five hundred years standing by the principles of modern institutions. In the reign of Edward II. European Christendom might be viewed as a large confederation of Potentates, rather than as a number of totally independent nations. What we now call international law, was then a sort of constitution of united nations; and as they professed a common religion and were all members of one church, which had then, as now, a general spiritual government, administered by an elected presiding officer; and as the Bishops frequently met on ecclesiastical affairs, and much of the learning of the times was found in their body, and they had considerable influence in their several nations—the kings, or their ambassadors, were frequently found at their place of meeting, and after the despatch of the spiritual affairs, a congress, if we may so call it, was held to regulate this international law, as well as to reconcile differences between rulers, to preserve peace, and for the general welfare. At those meetings it was regulated upon the feudal principle, that there should be some supreme lord to decide, in case of ultimate appeal upon the question of violated right or infringed law, and to pass sentence upon the obstinate delinquent; the execution of which sentence this judge might commit to any special individual, or to the whole body. They agreed to invest this power of judgment and privilege of Presidency in the Bishop of Rome, who, besides being acknowledged as their spiritual head, was also, by reason of his territory, a sovereign amongst them. This was the origin of that temporal power over princes, which some of the sycophants of Rome, and some fanatical ecclesiastics sought, on various occasions, to derive from divine appointment, though we believe it would cost them some pains to discover when the first bishop of Rome exercised or claimed such power upon such a concession. We suspect that no one will contend that St. Peter ever came in contact, upon this claim, either with Herod in Galilee, or with Nero in Rome.

Be that as it may, one thing is clear—that by concession and covenant the bishop of Rome was president and supreme lord in this feudal union of the monarchs of Europe in the middle ages, and that one of the great statutes of this international law was, that in case of continued delinquency, the said supreme lord was to declare, according to the feudal principle, that the delinquent prince had forfeited his rights; that his possessions were confiscated, and subjects absolved from their fealty to him, and were commanded to pay their homage and give their aid to the prince appointed to carry the sentence into execution, and as a reward for his trouble, expense and danger, the forfeited rights were generally transferred to the person so commissioned for execution of the sentence.

It is plain that the persons who entered into that confederation

were bound by that law, but they who did not engage in the coalition were not bound by the acts of its congress. Such is the first principle maintained in this document. It states that the kings of England could claim no right by virtue of colonization—"Because the progenitors of the Irish came from Spain." The kings of England could claim no right by virtue of civilization or bringing Christianity into the country, even if such acts could create such title—"Because our chief apostle, St. Patrick, sent by your predecessor, Pope Celestine, in the year of our Lord 435, did, by the inspiration of the Holy Ghost, most effectually teach the truth of the holy Roman Catholic faith." Neither had the king of England any title, which might be derived from the re-introduction of this faith, had it been lost—"Because that ever since that time, our kings well instructed in that faith which was preached to them, have, in number sixty-one, reigned in Ireland to the year 1170." Nor could the kings of England found any claim upon descent—"Because those kings were without any mixture of foreign blood."

After exhibiting in a concise manner a refutation of any claims which might thus be raised, the next question arose—whether the Pope had a right as supreme head of the Union, and by reason of any crime of the Irish, to transfer the dominion of Ireland to the British king. Upon this we shall not enter into any disquisition of our own: we take the plain fact that the Irish nation did not enter into the Union, and was, therefore not bound by its laws. The feudal system was not of force in that country, and the Pope had no right to interfere with their independence as a nation—"Because" as they say, "our kings long and strenuously defended against the tyrants and kings of different regions the inheritance given them by God, preserving their innate liberty at all times inviolate." They call the grant of Pope Adrian "a certain form of words" in contra-distinction to a valid transfer: and they insist on their right in the following words—"We invite the gallant Edward Bruce, to whom, being descended from our ancestors, we transfer, *as we justly may, our own right of royal dominion*, unanimously declaring him king by common consent." Thus they declare the right to be in themselves and not in the Pope, than which, no principle is more clearly correct, nor a better ground of civil liberty.

We are gratified at beholding the oppressed and persecuted chieftains of Ireland sending forward such a document as this, in the year 1317, especially under the circumstances in which they were placed. The kings of England claimed to be lords of Ireland, but any person who reads the history of the "aggregate mass of adventurers" who occupied the territory called "the pale," which was all that the English could claim to possess, cannot fail to agree, at least, with the conclusion drawn by as completely an anti-Irish historian as ever laid pen upon paper, one filled with the desire of exalting every thing English—Lingard, who calls the English ascendancy "petty tyrants who knew no other law but their own interests, and united to the advantages of partial civilization the ferocity of savages." "Men conscious of being the original aggressors, they looked upon the native

Irish as natural enemies." It is true that the English historian paints the Irish as even more savage, but we may lawfully allow a little liberty of such decoration to a *Pict*. In this state of things the chieftains rejoiced as sincerely at the victory of Bannockburn, as their descendants did at that of New-Orleans, and for a like cause. Lord Ufford was despatched by the English king to treat with his beloved cousins, the O'Neils, and the other chieftains, and with probably just as much affection and sincerity as his sacred majesty, king George the fourth, of virtuous fame, sent the Marquis of Anglesea to treat with his beloved cousins, O'Connell, McDonald, O'Shiel, and the other chieftains of our day. But as the king of Scots had come to the aid of the cousins, they took the field: and as is always the case with the generous government of the land of roast beef and plum pudding, the measure of Ireland's strength was that of England's kindness. Master John de Hotham, who for his good services was subsequently made Bishop of Ely, went over as a plenipotentiary, to make terms in the best way he could. He promised "the savages" that they should have all the benefits of the English laws, provided they would peaceably submit themselves to the king's good pleasure: but this being far too much to grant them, and it not being thought wise to refuse their request, the consideration of their offer to accede to the proposal, was deferred until the king would have more leisure, "at a more convenient time"—probably the Greek Kalends, which we believe was the period at which the British government had latterly determined to emancipate the Catholics. However, whether by the aid of *Columbkille* or some other prophetic friend, they got a glimpse of the manner in which the articles of Limerick would be observed, or from their own shrewd mode of scanning English policy, we know not, and it boots very little; but so it happened, that the chieftains thought those Kalends were too far away; and in union with Edward Bruce, to work they went, and the O'Tooles, O'Briens and O'Carrolls, piped up such a jig, to use a true Hibernian idiom, as made their own hearts merry, and brought tears, but not of joy, into the eyes of the Sassanagh. Next year came Robert Bruce "leading more of his Scots" to their aid, and just as Wellington now turns to the Pope to make his bargain about keeping the cousins quiet, so did the good ministers of Edward II. complain to John XII. of the rebelling turbulent Irish. John sent his commission to the Archbishops of Dublin, and of Cashel, to admonish "the agitators," and to excommunicate the refractory. And it was under those circumstances that the Remonstrance was sent back to him, through Joscelin and Fieschi, papal legates in Scotland. The two last paragraphs which we give, exhibit a manly determination, on the part of those chiefs, to defend their rights; and whilst they adhere firmly to the religion of the Pope, and acknowledge him as the head of their church, they assert their own civil rights, with which they will not permit his interference; "they will defend their liberties as well as they can;" "they hold such defence to be meritorious;" "without remorse of conscience they will attack tyrants and usurpers in defence of their just rights;" "they cannot be accused of rebellion;" "they

will prove their allegations before twelve or more Bishops," the tribunal from which they might expect some impartiality. They do not ask the Pope to withdraw his excommunication, for of its own nature it was of no force, even by the principles of their religion, being an interference with their civil rights. This is the language which the oppressed Irish have always held: this is the language of their association to day.

But what a character does it give of their opponents? In the day of prosperity they would not recur to Rome. Then the Pope would be—we shall not say what. Really the parallel is striking; but we must avoid politics. Still we are inclined to think, that in the Irish nation there is much of a brave spirit of honest independence; but England has been too strong for a people who, during upwards of six centuries have been uneasy under her yoke.

THE SEA GULL'S SONG.

I.

AWAY! away! on the howling blast!
 O'er the ocean world of foam—
 The land we leave, to the sea we cleave,
 The broad sea is our home.
 Our breasts we lave in the crested wave,
 Our young ones nestle there;
 In storm or in calm, we fear no harm,
 As we scud through the ocean air:—
 In storm or in calm, we fear no harm,
 As we scud through the ocean air.

II.

Away! away, on the howling blast!
 O'er the dashing waves we go;
 We laugh at the storm, though it tosses the form
 Of the frail barque to and fro!
 With the lightning's gleam, we send our scream,
 As the quivering mast is driven,
 And we shriek despair, in the seamen's ear,
 As he gasps out his prayer to heaven.
 And we shriek despair, in the seamen's ear,
 As he gasps out his prayer to heaven.

III.

Away! away, on the howling blast!
 With the wreck and the waves at play;
 We mock with the storm, each restless form,
 That is tossed in the wild sea spray:

We flap o'er the face of the corpse we chase,
 Ere it sinks to its ocean grave,
 And we shriek despair in the heedless ear,
 That we had no power to save.
 We shriek despair in the senseless ear,
 That we had no power to save.

Little Rock, Arkansas.

J. E. KNIGHT.

A TOUCH AT OUR TONGUE AND ITS TECHNICALS.

BY A WESTERN LAWYER.

"Our ancient English Saxon's language," as good old Verstegan hath it, (Restit. of Decayed Intelligence,) "is to be accounted the Teutonic tongue, and albeit we have in latter ages mixed it with many borrowed words, especially out of Latin and French; yet remaineth the Teutonic unto this day the ground of our speech, for no other offspring hath our language originally had than that."

Our burly moralist, Sam. Johnson, did his best to make the matter otherwise, and by his confounded sesquipedalianisms to take from our venerable father, as aforesaid, all cause for national congratulation in this respect; and there were other laborers in this cruel business of subjecting our native speech, because of its alledged rudenesses, to the pert glibness of a French, and the senatorial stiffness of a Latin mastery. That they have not entirely succeeded in this object, is owing entirely to certain inherent virtues in the tongue itself, and something to the dogged nature of the Saxon stock, which could resist your foreign grafting quite as tenaciously as did (and does) the vernacular. They will mutually hold out, we may venture to add, as long as Englishman or Anglo-American has a tongue to wag. Had it been left to those silly formalists, who insist upon finding a language perfect at its birth, or who were too indifferent or too feeble to improve and polish it,—the nice and fashionable people of a season,—we should now be prating in a mongrel dialect, which neither gods, nor mortals, nor monkeys, could well have tolerated. We owe every thing to the patriotism of genius—and true genius has patriotism always for its inheritance, if nothing more—that this has not been the case. Our genuine English writers—those who rank first now, and will rank only hereafter—were all singularly observant of the claims of the Saxon. It has been urged against Chaucer, by a singular misapprehension of facts, that he Frenchified the language; and this has been made a ground for denying some of the claims urged in his behalf as the certain sire of British poesy. But it is really to Chaucer that we owe the restoration of the Saxon, and perhaps its complete triumph over the lingo of the invaders from Aquitaine and Poitou. It must not be forgotten, that in Chaucer's day the Norman French was the spoken language of Court and State,

and he was a bold man to attempt literature—then the delight of Court only—in the language of the degraded classics. The merit of Chaucer was, in fact, precisely that of Danté, at another period and country. In all probability, Dan. Chaucer brought the language into vogue by showing its susceptibilities. That he should address himself to the common people of the country, rather than to the nobility, is in proof of his patriotism and good sense. It proves him, though a courtier, to have been something of a real man,—a genuine, frank Christian—we use the word without irreverence,—who had bowels of compassion and a soul full of sympathy for the solid and manly character of a people whom no tyranny could utterly emasculate. It may be that something of his motive to composition in English, arose from the fact of his making so many translations from the Provençal and the French. But this, too, was an act of patriotism, not less than of policy, since it introduced the commonalty to an acquaintance with a foreign literature with which the Court was already familiar. He cannot be well said to have translated his *Romaunt of the Rose* for the latter, and, we have no doubt, that it was eagerly sought and sung by such of the latter as could read, and was eagerly heard and remembered by thousands who could not. It might lead to curious discoveries, were we to enquire into the extent of the practice, such as described in the progress to Canterbury, of beguiling the weariness of pilgrimage by the arts of the *Racontern*. But we must not go aside too far, and will content ourselves, speaking for Chaucer, by saying that he put as little French into his dialect, as was possible to his time and habit, and deserves our lasting commendations for putting so much of it in genuine English. His simplicity, his hearty nature, his eye to the beauties of homeliness—for homeliness, in our sense of the word, is a beauty, and has a charm, of its own—these are all English, and would not have been at all, had they been attempted in the foreign language. It would be as impossible to express in French poetry, the English nature of Chaucer's muse, as it would be to conjure out of the world of French literature, a free, flexible, natural drama, such as that of Shakspeare, or any half dozen of his contemporaries. What Chaucer begun so well, has been carried on with a rare good fortune for us and the language. The English satirical proverb, "Jack would be a gentleman could he speak French," has ceased to be of any force as a sarcasm. The good old Saxon roots, under choice weeding and cultivation, have put up the most generous and glorious growth of fruits and flowers. The language has been steadily acquiring force, in degree as it has acquired freedom from foreign shackles, and the various "grafts" which are made upon it are so evidently subservient, that they contribute to its credit with the world, because of their inferior relation. Refined by adroit masters, it is now proved capable to compare with any language on the globe's surface, whether for strength or flexibility. Indeed, in the possession of English literature, in spite of what your professors tell you, you may dispense—so far, mark me, as the mere pleasure of reading it is concerned—with that of all other nations. For volume, for compass, for music, for comprehensiveness, for thought;

for all that confers excellence on language and literature, it is equal to any that the world has ever known, and to most is infinitely superior. Let your grim classicists make as many mouths at this assertion as they please. When we talk of the music of the English, we do not pretend to speak of it in regard to a comparison with the extreme susceptibilities of the Italian. We can't sing tragedies to opera music—no, nor could the Italians before their national emasculation,—but, by the pipers! we have a tongue which can be made to speak such thunders as would shake all Italy—rare, real, English thunders—which shall have echoes when there shall be no Virgils and no Tassos to be heard of, with their imitative penny whistles any where. Their Danté is made of more enduring stuff. The virtue of a language—its tenacity and strength—depend really quite as much upon the freedom of a people, as upon any other influence. What is burning for utterance within the soul, will struggle finally into utterance, and frame words for itself, befitting what it feels. And a lofty sense of character, a daring nature, a proud spirit, conscious of its merits and the magnitude of its achievements and its aims, will endow, with an eagle's vigor, its ordinary speech, so that it shall not fail to impress itself forever upon the senses and the memories of nations. That the Greek and the Latin live to us, in so much authority now, is due to a soul, in their people, which infused, so subtly and so perfectly their speech, that it partakes of the immortality which their own achievements deserved. The vigor of a language corresponds with the conquests, the possessions, the wealth and the desires, physical and mental, of the nation. These, if noble, will, in like degree, ennoble the language, however low may have been its original.

We have made a long digression, but it does not misbecome the rambling character of what we have to say. Something, we know not well what—in groping through certain black-letter volumes—prompted us to wish for the learning of Gibbon, and the eloquence of Burke—"for what?" you ask, good reader, and you may well ask. Why, to denounce the cruel wrongs which have been done to the ancient technicalities of the law. But without these, they shall have their *dies in banco*. All manner of slanderous things have been spoken of them. How cruelly have they been defamed, and by some, too—chiefs in the profession—who might have been looked to for better things. The law-latin, say they, is a language *sui generis*. And what if it is? What if it should be proved to be, as they allege, a strange compound, like the olla-podrida of the Spaniard, of the Gothic, the Latin and the French—nay, suppose the hash to have been spiced even more highly, by seasonings from other sources equally anomalous. I say, so much the better for the language of the law, and so much more completely does it accord and sympathise with those delightful fictions and pregnant philosophies, which constitute so many of its primary elements. Grave young men, who wear nothing but the wig of antiquity, would cry it down for such small reasons as its barbarousness; its conflict with the progress of the age; its preservation of old falsehoods; its vulgar object to im-

pose upon the vulgar, and all that sort of pother. We must have it in English, say they—and not in your dog-latin, and your bastard lingo. There were your early dramatists, who learned their lessons in the law, generally as its victims, rather than its professors, and whose revenges were apt to affect their judgments—they cried aloud, and made this part of the practice the subject of their especial meriment. The play of “*Ignoramus*,” in the time of James, the First, really succeeded, by its satire, in bringing about some statutory amendments in regard to the correction, as it was impiously styled, of the legal excesses in this appropriate dialect. This was a lamentable folly and presumption. Beaumont, of the firm with Fletcher, himself brought up in the temple, and the son of a judge, is ungrateful enough to use the following as the language of imprecation upon the bar:—“May they know no language but that gibberish they prattle to their parcels, unless it be the Gothic latin they write in their bonds.” And that venerable ganton and sage, Sir Edward Coke—whom all lawyers hold in great and unqualified esteem, as the very model of professional eloquence, elegance, profundity and suavity—was he not most bitterly reviled and cruelly ridiculed for the affectionate fondness with which he clung to the venerable latin of black-letter—a latin not a bit worse, I can assure you, than that which embodied the most wondrous legends and miracles of monkhood.

We are great believers in the ancient pleadings. We would not give up a stiver—we would not surrender a single phrase of the gothic dialect which they employed. They suit the profession, its practice, its principles, its solemn authenticity. In this country, where a savage sort of innovation attempts the overthrow of old institutions, for no better reason than that they are old, it is well that we should set our faces against this venomous warfare, and preserve what is left us of our cogent and very impressive latin technicalities. They mean much more than the plain vernacular can supply, and, indeed, were among the first adoptions of the vernacular. They came by inheritance, or by right of conquest, or right of stealing—which good Lord Verulam insists is one of the received modes of acquiring property.

John Locke says, somewhere—you know John and what his say is worth—“that the end of language is to make known thoughts; to do it with ease and quickness, and convey the knowledge of things.” A clear principle enough, and decently expressed, though without much elegance. Now, then, for it! These relics of the law-latin, dog-latin, or gothic, or what you will, answer the purpose much better than any of their proposed substitutes, in conveying the knowledge of the things intended. Time, that woolly-head, who has furnished so many models for the guise of the Lord Chancellor, and who seems to preside in chancery much more frequently than any less worthy authority, has set his seal and sanction upon this peculiar phraseology. Why should we listen to those forward persons who, in our days, gravely object, not that the thing is bad, but that it is a Greekism, or a Gallicism, or a Gothism. A Greek fiddle-stick! What do we care for that! Why, the language is stuffed every where with Greekisms, and Latinisms, and Frankisms, even as wed-

ding cake is variegated with foreign fruits, currants and citron, and plums of sundry sorts; and the language is none the worse, no more than the pudding, because of the introduction of these foreign additaments. For that matter, they are no longer Greekisms, or Latinisms, or Frankisms, but genuine Saxonisms—after a fashion—as we said before, by right of conquest, or inheritance, or appropriation. We have dressed 'em up in our own costume, and they look, by this time, pretty much after our own fashion. Nobody would suspect 'em, none but your prying busy-bodies—a sort of Native Americans party—who are for looking into every man's geneology to ground actions of bastardy upon. And these persons are lawyers too! Ah! there are quacks in the law just as in medicine, and such a quacking as they keep up about the proprieties, is "a sin to Crockett." You would fancy the whole tongue of Saxondom was about to be cut off, simply because we insist on holding fast to some of the good old jargon of the courts, which does so happily seem to assimilate with the habits of the professional wrangler. We are great sticklers, ourselves, as we have endeavored to show, for all that is really right and revered in our tongue, but must not be cut off from our legal lingo, where it is so really innocent, and so really suited to the use we make of it. They shall not *burke* our remaining technicals on false pretences. They cannot give us any substitutes for them. Attempt to translate them into English, and what have you but long inexpressive sentences for single words. What English, for example, can you give us—here in the West, particularly—which shall answer in place of "Ca Sa!" How lordlily he stands! What a foothold he has before the eye, and what a grip he can take of the shoulder, if you only give him the signal. Call him by an English name, and my word for it, he loses all his courage, all his potency, and there shall not be a delinquent from the Chatahoochie to Red River, that will not laugh in his face. No! no! you can give us no English substitute for such a burly fellow—bluff as brief—which will not make him a milksop. Nay, his brevity is Saxon all over. It sounds like "John Bull," "Dick Smith," "Ben Back," or any other of the monosyllabic plebeians of that sturdy stock which is so properly our boast. "Ca Sa" for us, I tell you, in preference to the half dozen substitutes of mealy English which you propose to put in place of him. Then for "Fi. Fa!" What will you do with "Fi. Fa!" Nay, what can you do without him? Do you suppose that any equivalents so effective can be found in the classics? You are mistaken! The very sound of "Fi. Fa!" the Western sheriff will tell you, sets the pots and kettles, the chairs and tables, in motion. He has but to lift his hand, grasping an unopened scrawl, and with slow and subdued accents repeat the charm, and—presto!—with "Fi. Fa!"—the whole household rattles into the wagon! Then the waste and extravagance of the proposed changes—fatal to all economy. To put away "*lex fori*," you are compelled to employ at least five rascally English. "*Lex loci*," requires as many more of the same brood, and so you go, multiplying words without any increase of strength, and at great expense to the vernacular. You attempt such a reform in Alabama and Mississippi, where these favor-

its latin technicals are already in familiar use among the people, and you risk a ride on a seven sided pine rail. They won't be robbed of the learning they have been at such pains to acquire. They won't give up their latinity any more than their lands. They know their rights and will maintain them, as the emigrant said on his way to Texas, to the traveller that warned him of Mexican and Cumanchee invasion—and the simple mention of a design to rob them of these treasures, will make them repeat them a thousand times a day, just as a whole people will turn into singing, should their rulers undertake to say there shall be no national music. You may be horrified, if you please, at the mispronunciation and misapplication of the words, but that don't trouble them. But, if they mispronounce, they don't often misapply them. In the newest courts and settlements of the interior, you will be surprised at the quickness with which they pick up the emphatic and mystical phrases, using them as deftly as if they had been groping through the glossary all night. It is in this way that conscious ignorance always seeks to conceal its deficiencies, and impose upon you a false notion of its possessions. There, now, is my neighbor, Joe Sprawls—a farmer who has never seen the inside of a law book, and who has been only for the last three months the resident of a county which has a Court House in it;—he came to me but yesterday, telling me that Mark Disher had got himself into a “primerinary”—meaning “*præmunire*”—which he had picked up, and applied properly, in the space of a single day's attendance upon court as a State witness. Could you have the heart now to rob Sprawls of his latin, such as it is? I tell you, the old dog would as soon you should rob him of his favorite daughter. I am as good a Saxon pedigrenarian as the best of you, but, if it were only for the sake of my neighbors, I would not surrender a syllable of my Gothic, let your “Teutonic tongue” clamor as it might. Take my word for it, your corruptions will come from your new coinages, and not because you employ the old *dies* of the Greek and Latin. It will be your provincialisms that will do the mischief, not our technicalities.

I don't know that I should have thought or said so much upon this matter, were it not for the curious pleasure which I take in hearing our plain people of the west taking up the language of the courts. Really, their passion this way, and their facility, are very surprising. They don't ask you for information. They hear the word repeated and trace its application, and learn its meaning silently, to themselves, by simply associating it with its action in particular cases. That they make sad havoc of its pronunciation, is a matter to provoke merriment, not disquiet. Thus they have gathered up “*Certiorari*,” “*Scire Facias*,” “*Quo Warranto*,” “*Ad quod Damnum*,” “*Fieri Facias*,” “*Capias ad Respondendum*,” “*Capias ad Satisfaciendum*,” “*Venire Facias*,” and many others. These, or their abridgments, are so many treasures, small budgets, that carry a great deal. We cannot find any thing in our language of equal force and brevity, and if we could, it would be scarcely possible to persuade our people, that we had not lessened their strength in elongating their members. They are so much stock in trade, of sheriffs and solicitors, counsel

and clients, bailiff and bondsmen; the old friends of the sovereigns of the law; the old familiars of the court room and jury box, and bring up at the bare mention of their names, a thousand histories—many of which would scarcely bare telling in the presence of the parties whom they most concern.

The writ, "*Certiorari*," which took its name from the command contained in it, issued of old out of the court of chancery or *Banco Regis*, directing the justices of an inferior court to cause to be *certified* or *returned*, certain records before them—is now the favorite of all attendants in our domestic courts of *piepoudre*—our justices of the peace—and is just as familiar to our common people as A. B. C. Were you to tell the country squire and his retainers, that they could no longer "*Sarstiorarry*" their cases, there would be a bobbery, with a vengeance! Nothing short of a revolution would satisfy the outraged feelings of the people.

"*Sci. Fa.*" is held in scarcely less veneration. We owe this writ to the first Edward. What a deal do these two neatly lopped syllables embody! It takes its comprehensive name from a direction "that it be made known," *quod scire faciat*, to the party convicted on the roll, that he appear and show cause, why that written on the roll should not be executed. "*Sci. Fa.*" quietly reminds the plaintiff whose execution has slept a year and a day, to revive or lose his lien; and our western litigants, knowing its value, seldom suffer their lawyers to neglect its use.

"*Quo Warranto.*" This writ recovers nothing. It was originally given to enforce the answer of the tenant, upon *what warrant* or title he held. It obtained its notoriety from the circumstance of its frequent use by the first Edward, who, with a view of reducing the nobles to his will, made enquiry into the titles by which their franchises and liberties were held. It takes its name from the two latin words, "*quo warranto*," used in the old form, which summoned the party to appear "*in proximo adventu nostro, vel coram justitiariis, etc., cum in partes, etc., ostensuous QUO WARRANTO tenet visum franciplegii in maneri de N., etc.*" We use the writ extensively in this country, where individuals hold franchises or exercise office, without lawful authority. But though we use it in an English dress, we shall not easily be persuaded to give up the old title.

"*Ad quod damnum*," was originally a common law writ, directed to the escheator, to enquire whether it would be to the *danger of the King* or of others, should he permit one to a lien in mortmain, or otherwise sell his lands. In these days, though it still keeps its kingly title, it is applied to a more democratic purpose. If one seeks to establish a mill-dam, or to obtain compensation for a road run across his land, he goes into court, puts his arms akimbo, and cries aloud, "*ad quod damnum!*" His cry is heard.

"*Fieri Facias.*" These are the words, as we all know, which, like the spell of the necromancer, makes off with one's goods and chattels, lands and tenements, to satisfy one's neighbor. *Fi. Fa.* is a numerous and active brotherhood in the west. The writ, in this form, was given by a statute of Edward the First, and took its name from

a recital in the statute—"that when a debt was recovered or acknowledged, or damages adjudged, in the King's court, the plaintiff should have his election, either to have a writ, *quod vicecomes FIERI FACIAT, de terris catallis*; or one commanding, etc.

"*Capias ad Respondendum*" and "*Capias ad Satisfaciendum*," take to answer and to satisfy—both owe their names to words employed in the writ. The one was the process to compel appearance in court to answer the action; the other, that by which *satisfaction* was effected. The late years of peril and prosecution in the west, have made the first as familiar to us as any one of Mrs. Caudle's Lectures; but we have the consolation of knowing that his follower is losing some of his potency. "Ca. Sa." is no longer the eminent swaggerer and bully that he used to be. It is now in but few of our States that he is permitted to take an innocent citizen by the shoulder. We can fancy his groans with the passage of each glorious act for abolishing imprisonment for debt. In but few does this cruel law continue to exist, and old "Ca. Sa." will soon become one of those lay figures which we keep in a corner, to remind us of antiquity. In a few years, our children will come to wonder what there was in his character that could so scare and worry their grandsires! "Othello's occupation's almost gone!"

"*Venire Facias*"—so called, from words used in the writ. This directs the summoning of the jury, and belongs to the most important privilege of the citizen. The law can violate the liberty, attack the property of men, but it must confine its "*Venire Facias*" to the county or vicinage of the accused person. His neighbor must determine upon his case; and, associated with such a right, the very term "*Venire Facias*," is worth a whole dictionary of modern phrases.

The history of the original organization and process for summoning jurors, is interesting. In very early times, when the barbarous custom of trial by duel prevailed to an extent to shock, even the sense of propriety of that period, an expedient was resorted to, as a means of preserving men's lives, called "*The Assise*." This proceeding is styled by Glanville, "a legal institution, founded on the greatest equity, and the fullest desire of doing justice." It was conducted thus:—The party putting himself upon the Assise, sued out a writ *de pace habenda*. This was to prevent the lord, if in his court, from entertaining any suit in which the duel had not already been waged, between the same parties for the same land, because one of the parties had put himself upon the King's Assise, and had prayed a recognition to be made, who had the most right. Upon this, the demandant came to the court and prayed another writ, whereby four lawful knights of the county might be directed to choose *twelve lawful knights of the vicinage*, who shall say, *upon their oaths*, which party had most right to the land in question. This being the first process of which we have any knowledge for the return of jurors, it may be regarded as sufficiently curious as an antiquarian relic to be here inserted, in its original form:—

"*Rex vicecomiti salutem. Summone per bonos summonitores quatuor legales milites de vicineto de Stoke, quod siut ad clausum Paschal co-*

ram me vel juetiliis meis apud Westmonasterium ad eligendum sapre sacramentum suum duodecim legala milites de eoden vicineto qui melens veritatem sciant, recognoscendum super sacramentum suum utrum M. and R. majus jui habeat in una trida terra quam M. clamat versus R. per brede meum, et nade R. qui tenens est, posuet se in assisam meam, et pelit recognitionem fieri, quis eorum majus jus habeat in terra illa, et nomina eoram in breviasi facias. Et summane per bonos summonitores R. qui terram illam tenet, quod tunc sit ibi ruditurus illam electionem, habeas ibi summonitores," etc.

To the Sheriff of the County, etc., greeting. Summon me by good summoners, four lawful knights of the vicinage of Stoke, who at Easter term may come before me or my justices at Westminster, and upon their oaths choose twelve lawful knights of the same vicinity, who shall inquire into the truth, and ascertain upon their oaths, whether M. or R. has the better right to — acres of land in Stoke, which M. claims against R., by my writ, from which writ, R., the occupant, puts himself upon my Assize, and demands inquiry to be made, which of them has the better claim, and cause the names of the knights summoned to be herein inserted. Summon also, by good summoners, R., the tenant in possession, that he be present to hear the said election. And have there your summoners, etc.

Here let us stop with our desultory prattle, particularly since, beginning in a half jocular mood, we have fallen into a strain of serious detail. What we have said may somewhat assist our plain backwoodsmen in their laudable efforts to dive into the mysteries of our Gothics and Teutronics of the law. Our grave seniors of the bar, our reverend fathers of the bench, will please take for granted that nothing of these petty details is provided for them. Let them not, therefore, we entreat, shake at us the hoary locks of their indignation. We shall offend no longer.

ELEGY ON THE DEATH OF A POET.

BY T. H. CHIVERS, M. D.

"Thou art gone to the grave!" but thy spirit is shining,
And singing afar in the realms of the blest;
While the living are left by thy cold grave reclining,
And mourning for thee, while they long for thy rest!

"Thou art gone to the grave!" in that dark, narrow prison,
Whose jailor is Death; thou art kept from thy love!
While thy spirit afar from this dark world has risen
And soared up, redeemed, into heaven above!

"Thou art gone to the grave!" thou art gone where thy slumber
No more shall be broken, by sorrow or pain—
Soon to rise with that host which no mortal can number,
To lie down no more in that valley again!

"Thou art gone to the grave!" yes, the earth-worms are creeping
Where beauty once laid on thy cold breast her head!

While her heart's only comfort is found now in weeping,
And mourning for thee, who lies low with the dead!

"Thou art gone to the grave!" there is none can restore thee,
Or bring thee again from that silent abode!

But the Conqueror of death went to dwell there before thee,
And He has prepared thee the way to thy God!

"Thou art gone to the grave!" thou art silently sleeping,
A sleep which no sorrow shall ever molest;

And in longing for which my poor heart now is keeping
A silent lament in its grave in my breast!

"Thou art gone to the grave!" let the dark weeping willow
Bend over thy grave where thy beauty is laid!

While thy form, thus reclined on the earth for its pillow,
Shall live in the spring-flowers which bloom at thy head!

"Thou art gone to the grave!" where the violets are springing,
And feeding upon thee, above the damp sod,

Now the turtle dove mourns, while thy spirit is singing,
And drinking delight from the fountains of God.

Middleton, Conn., Dec. 18, 1841.

SLAVERY.—No. II.

TRACT NO. 10 REVIEWED.*

SERVITUDE is a necessary condition of all civilized communities. In those primitive states of man, before labor becomes divided, each one performs for himself those employments which, in a more advanced stage of society, are performed by others; but when property accumulates, servitude as necessarily accompanies it, as wealth and poverty. The difference between slavery and service for hire is one only in name. An Irish laborer, who is stinted to one insufficient meal of dry potatoes daily, would gladly exchange a large portion of his ideal liberty for an additional supply of food, and the slave of the Southern states would be a fool to change conditions with an English operative, and immure himself and his children from ten years and upwards in the sweltering din of a Manchester factory, for all the waking hours of their existence.

Slavery has been the condition of the greater part of the human race from a period shortly succeeding the flood. It has been reserved for the sharp-sightedness of comparatively modern times to discover that service for hire was more profitable to the master, and the slave has purchased liberty at the expense of food. And what kind of

* Published by the New-England Anti-Slavery Tract Association. J. W. Alden, Publishing Agent: Boston.

liberty has he acquired? Look at the millions who have been emancipated from slavery, and who are only *free to labor* to the last point of human endurance, or starve. "Gurth, born thrall of Cedric the Saxon," says Carlyle, in his quaint but expressive style, "has been greatly pitied by Dryasdust and others. Gurth, with brass collar round his neck, tending Cedric's pigs in the glades of the wood, is not what I call an exemplar of human felicity; but Gurth, with the sky above him, with the free air and tinted bosage and umbrage round him, and in him at least the certainty of supper and social lodging when he came home—Gurth, to me, seems happy in comparison with many a Lancashire and Buckinghamshire man of these days not born thrall of anybody! Gurth's brass collar did not gall him; Cedric deserved to be his master. The pigs were Cedrics, but Gurth too would get his parings of them. Gurth had the inexpressible satisfaction of feeling himself related indissolubly, though in a rude brass collar way, to his fellow-mortals in this earth. He had superiors, inferiors, equals. Gurth is now "emancipated" long since; has what we call "liberty." Liberty, I am told, is a divine thing. Liberty, when it becomes the liberty to die by starvation, is not so divine."* Yet there are those who are constantly reiterating in our ears—that liberty is the only blessing—that slavery is morally and politically wrong; and because slaveholders, when it was a mere abstract proposition, chose rather to concede the question, than take the trouble to discuss it, our opponents seem to suppose that it is already decided against us.

We have before us an abolition tract, with the awkward title, "Letter to a Friend, on the ill-treatment of the people of colour in the United States, on account of the colour of their skin, by Thomas Clarkson, of England," which has been published in this country by that forge of firebrands, falsehood and mischief, "The New-England Anti-Slavery Tract Association." This society—lost to every feeling of patriotism—lost to all self-respect, has aided in giving circulation, by publishing this letter, and without a word of reprobation, to such an expression as the following: "The Americans are below the heathens in their notions of right and wrong, and are not to be reckoned among the civilized nations of the earth."

This letter is written in the worst possible temper, and the first portion of it is devoted to the Northern states, on account of their supposed ill-treatment of the free blacks among them, in not raising them to the same degree of political and social equality as the whites. The people of the Northern states are fully competent to take care of themselves, but we cannot forbear quoting a remark of an English writer, in reviewing a very silly book of a Mr. Abdy, on the United States, on the subject to which the aims of Mr. Clarkson, and the other abolitionists in England and this country are tending—amalgamation. We do this the more especially, as it is in singular contrast to the immense amount of detraction and injustice with which the entire

* Past and Present. pp. 147, 148.

British press, with little reservation, has teemed for many years, on this subject; and to Mr. Clarkson we might say, with Horace—

Mutato nomine de te fabula narratur.

"Mr. Abdy and five hundred more of his class, may talk as long as they please about the equality of all the children of Adam, and condemn as alike silly and sinful, the American repugnance to the notion of what they call "amalgamation"—but we take the liberty of doubting whether Mr. Abdy would bestow his own sister in marriage upon the most polished specimen of the negro race that ever strutted as Comte Marmalade or Marquis de Molasseville at the court of Hayti."*

Mr. Clarkson devotes the second part of his letter to the Southern states, and it may well be conceived, from the extract we have made, from the first portion of it, with what concentrated bitterness he alludes to us. Slavery, he observes, "exists there (in the Southern states) in the eye of morality, as the greatest possible sin that a man can perpetrate. It is, as I observed in a former pamphlet, a violation of no less than six out of the ten commandments of the moral law, and a trampling under foot and setting at defiance the gospel of Jesus Christ." Sin is commonly defined to be a transgression of the laws of God. Those laws are contained only in the Bible. We are gratified, however, to discover that Mr. Clarkson has relied upon the authority of that sacred Book for his arguments against the whole system of slavery; though it would be downright charity to believe, from the specimen before us, that he has never read that volume, or if he has read it, he may be likened unto that man spoken of by the Apostle James, "beholding his natural face in a glass: For he beholdeth himself and goeth his way, and straightway forgetteth what manner of man he was."

Slavery is said to be a moral evil. This would be an irresistible argument if it were true. The people of the Southern states are a law-abiding people—and above all laws they would yield, as a rule of doctrine and practice to the laws of God. Convince them that any institution is opposed to the will of God, as expressed in his word, and no matter how consecrated by time, no matter how closely interwoven with their interests, or however dear to every feeling of the human heart, it would quickly go down before their higher obligation to obey the commands of the Almighty. Mr. Clarkson and the abolitionists have chosen this code of laws, as their standing point for their arguments against slavery, and out of it we are willing to be judged.

It will, we apprehend, be readily admitted, that the institution of slavery existed among the Jews, and was in full vigour during the whole period of their existence as a nation. This will not be denied by any one who is not ready at the same time to admit, that he is profoundly ignorant of the history of this remarkable race. Should it be doubted, however, we take leave to refer such to "Horne's Introduction to the study of the Bible." Part iv. ch 5, as containing sufficient evidence on the subject. We do not refer to this author, on ac-

* London Quarterly Review, No. cviii. 210.

count of any particular value we attach to his work, but because he is as sound an abolitionist as Mr. Clarkson himself. We chose to rely upon higher authority for the history, and the sanction of slavery, among the people of Israel—the Bible itself.

It has been a stumbling-block in the way of some, and a weapon of attack in the hands of others, that the word *servant* is most generally used in many of the more striking passages in the Bible, to indicate the condition of the class in a state of servitude among the Israelites. The reason for the use of this word is most apparent. The word *servant* has only of comparatively late years been used in our language to designate any other condition than that implied by the word *slave*, as it was derived from the latin word *servus*, which meant *bondman* or *slave*, and was directly opposed to the word *liber*—*free*. It is scarcely necessary to refer the learned reader to the well known line of Plautus—*Quid tu? servusne es, an liber*. Robertson, in his history of Charles V., in describing the condition of that numerous class of persons in Europe, during the middle ages, who were held as property, terms them, "*servi* or *slaves*," and refers to the authority of Du Cange. Glossary. voc. *servus*, to show the manner in which *slaves* were treated among the different nations of Europe. The word *slave* came late in use into the English language; no other word could have been used by the earlier translators of the English Bible, more accurately to describe one in a state of slavery than the word *servant*: unless it was by the use of a legal phrase *villein in gross*, which was employed to designate the slaves of that period, who were almost precisely similar in condition to those of the Southern states at the present day.

That the word *slave* occurs so seldom in the Bible (we have marked but one passage where it has been used, "Is Israel a servant, is he a home born slave")* was probably owing to the fact, that the word had not been domesticated and in common use in our language when the translations of it were made. This we have no doubt was true of the first translations, and the forty-seven persons who were appointed to translate the authorized version of the sacred Scriptures now in use, commonly known as King James' Bible, were instructed to follow and to alter as little as possible the ordinary Bible read in the churches, and called the Bishop's Bible, and that "when a word hath divers significations, that to be kept which hath been used by the most eminent fathers." The word *slave* is of foreign origin. Of it Gibbon observes: "This conversion of a national into an appellative name appears to have arisen in the eighth century, in the Oriental France, where the princes and bishops were rich in Slavonian (or more properly Slavonian, as the historian remarks in the text) cap-

*Jeremiah, ch. ii., v. 14. That the words *servant* and *slave* were regarded as synonymous, by the translators of the Bible, is made more apparent by comparing the English translation with the passage in the Septuagint version—Μὴ δοῦλος ἐστὶν Ἰσραὴλ, ἢ οἰκογενὴς ἐστὶ; if it were otherwise the translation would more properly be—is Israel a slave, is he a home born servant. We quote from the Editor of the Septuagint by Dr. Holmes, Dean of Winchester. Glasgow: 1831.

tives. From thence the word (eslave—slave) was extended to general use to the modern languages.* Now we would observe that the word servant, which was originally synonymous with the word slave, would probably be used in the place of the latter in all the early translations of the Bible, for the reasons above given, and also in King James' version, because the earlier versions were followed by the translators of our Bible, and because they were instructed to adhere in words of "divers significations" to the sense in which they had been used by the fathers, and the latter would without doubt use a word—servant—derived from the Latin language, which was in daily use among them, in preference to one—slave—derived from a foreign source, even if it could have been known to them.

If any doubt existed that the word servant was not commonly employed in the Bible to designate the condition of pure slavery, it would be removed by comparing many of the more striking passages where it occurs, with the same texts in the Greek (Septuagint) version. We make no pretension to any knowledge of the Hebrew language, but no one will attempt to controvert the authenticity of the Greek version, for though we do not agree with the learned Isaac Vossius, that the Septuagint is preferable to the Hebrew text, yet we contend upon the authority of the most learned commentators, that the Septuagint was in great esteem both among the Jews and ancient Christians—that with respect to the Pentateuch more especially, the Greek translators thoroughly understood both the Hebrew and Greek languages—that he has closely followed the Hebrew text; and the "solemn sanction given to it by the inspired writers of the New Testament, who have in very many passages quoted the Greek version of the Old Testament" not only shows to what extent it was used among the Jews themselves, but the great value which must always be attached to it. By such a comparison of the texts, it will be most apparent that the word *servant* is commonly employed to designate a *slave*, and that whenever any condition of servitude other than that of pure slavery is meant, other words, as hired servant or Hebrew servant are used.†

Mr. Clarkson, in a part of the passage which we have already quoted, thus remarks of slavery. "It is, as I observed in a former

* Gibbon's Decline and Fall of the Roman Empire, vol. 4, 38. Note (10.)

† The Greek word *παῖς*—servus—slave or bondman, is used most frequently in the Old Testament, and especially in the Pentateuch, to designate that class of persons, which has been generally translated in our English version by the word servant or man servant. In like manner *παιδίσκη*—ancilla, female slave or bond-maid has been translated servant or maid-servant. *Παῖς*, though sometimes translated by the classical writers of antiquity, by the Latin word *puer*—boy, is often translated by them *servus*, slave. In the Septuagint version, to judge by the context, it is commonly used in the latter sense; for whenever any other condition of servitude is mentioned, than hereditary, perpetual slavery, other words are used, as *μισθωτός*—mercenary, for hired servant—vide Exodus xii., 45; Levit. xxii., 10; and Levit. xxv., 40 and 50—and *παῖς Εβραίου*, for Hebrew servant; which last, was a servant of a kind-peculiar to the Jews—for though in many respects a slave, during his term of service, he might be emancipated at the year of Jubilee—vide Exod. xxi., 2, 3, 4, 5, 6; Levit.

pamphlet, a violation of no less than six out of the ten commandments of the moral law." We have not seen the pamphlet to which Mr. Clarkson alludes, and not having a very lively imagination, we are therefore utterly at a loss to conceive in what manner the writer has distorted what had always seemed to us the plain meaning of the ten commandments, into a proposition so startling and so absurd. Instead of finding "a violation of six out of the ten commandments," there are but two passages—the 4th and 10th command which allude in the remotest degree to the institution of slavery, and in those two are the strongest implied sanctions of it. It is a waste of labor to throw away many words at such a palpable absurdity, and we will refer the reader to an author already quoted, and for the reason given above—"Horne's Introduction to the Study of the Bible," for the following remark: "All slaves were to rest from their labors on the Sabbath, (Exod. xx. 10.)"*

Mr. Clarkson observes on another page: "To quiet their consciences, the Southerners, as they are called, have forbidden the clergy in their pulpits to mention slavery as a crime, or to mention it at all. They have acted more desperately still, for they have prevailed upon them to defend slavery on supposed Scriptural grounds." The first of these allegations does not deserve a serious reply, for we have never heard of such a prohibition, and with respect to the second, Southern clergymen need no prompting, as they have been in advance of public opinion in maintaining that slavery is no moral evil. "Witness their ridiculous attempts," this letter writer continues, "among other things, to make the faithful Abraham the author and the founder of slavery, forgetting that it is recorded in Genesis, as an historical fact, that hire for service for a limited time was not only known, but practised in those times." We know of no one in the Southern states

xxv., 47, 48, 50, 53; and Jeremiah xxxiv., 9, ad finem. But we are not left in any doubt as to the meaning attached to the word *παῖς*—servus, in the Bible, as it was used in the same sense as the Greek word *δούλος*—slave. The passage in the Septuagint in which this occurs is so striking that we quote it entire, *Καὶ παῖς καὶ παιδίσκη ὅσοι ἂν γένωνται σοι, ἀπὸ τῶν ἔθνῶν ὅσοι κύκλω σου εἰσὶν, ἀπ' αὐτῶν κτήσῃς ὁδῶν καὶ δούλην. ΛΕΥΙΤΙΚΟΝ. Κεφ. κε. 44.* "Both thy *bond-men* and thy *bond-maids* which thou shalt have, shall be of the heathen that are round about you; of them shall ye buy *bond-men* and *bond-maids*." Levit. xiv., 44. It is scarcely necessary to remind the Greek scholar, that the word *δούλος*—servus—slave, was used in classical Greek, in opposition to the word *ἐλεύθερος*—liber—free: and we find that the same words were used in an opposite sense by St. Paul, in the latter part of the 8th verse of the vi. chapter of Ephesians—*εἴτε δούλος εἴτε ἐλεύθερος*, "whether he be bond or free." There are many other passages in the Septuagint, in which the substantive, *δούλος*, and the verb, *δουλοῦω*—subjugo—in servitude redigo, to subject, to reduce to slavery, are used to designate the condition of slavery among the Israelites.

* Vol. II., Part iv., ch. v., p. 166. If, as we think, we have sufficiently shown, that the fourth commandment refers to *slaves*, it follows that they were referred to in the tenth, as the words *men-servants* and *maid-servants* are used in both. This view will be strengthened by referring to the Septuagint version where the same Greek words *παῖς* (bond-man) and *παιδίσκη* (bond-maid,) are used in both places.

who has attempted to make Abraham the author of slavery; but if there is such an one, he has shown as little acquaintance with the book of Genesis as Mr. Clarkson himself. The system of domestic and predial slavery was in full vigour in the time of Abraham, and who, we learn from the same book cited by this writer, was a large slaveholder, possessing three hundred and eighteen slaves born in his house,* besides those he received from Pharoah, king of Egypt,† and those which Abimelech gave to him.‡ It is probable that Hagar, Sarai's hand-maid, was one of the slaves he received from Pharoah, as she was "an Egyptian." There can be no doubt that she was a slave, for when she offended her mistress, "Abraham said unto Sarai, Behold thy maid is in thy hand, *do to her as it pleaseth thee*, And when Sarai *dealt hardly with her*, she fled from her face."§ In confirmation of this view, derived from the plain and obvious import of the language used, St. Paul observes: "For it is written, that Abraham had two sons: the one by a bond-maid, the other by a free woman."|| "The Southerners" have never attempted to make Abraham the author of slavery. They knew their Bible better. They found a record in the book of Genesis, long anterior to the birth of Abraham, the denunciation of Noah against the posterity of Ham—"Cursed be Canaan; a *servant of servants* shall he be unto his brethren,"¶ and they take, as they find it, Noah to be the author of slavery. And because "it is recorded in Genesis," as the writer observes in the concluding part of the passage we have last quoted from his letter, "as an historical fact, that hire for service for a limited time was not only known, but practised in those times," he therefore assumes that slavery did not exist at that period. In like manner it might be proved that slavery does not exist in South-Carolina, because "hire for service is known and practised" here. Now we are able to inform this writer that servants are employed in South-Carolina, and that wages are paid to them by the day, the week, the month and the year, such as overseers, laborers in most kinds of mechanical work and agents generally, and yet one half of the population are slaves.

We can also inform Mr. Clarkson that there are other "historical facts" in the book of Genesis, on the subject of slavery, which appear to have escaped his attention:—"And God said unto Abraham, *He that is born in thy house, and he that is bought with thy money*, must needs be circumcised."** That Isaac, besides Zilpah and Bilhah the handmaids, which were *given* to his wives by their father, had great store of servants.†† That Jacob had "maid servants and men servants."‡‡ That therefore the three patriarchs, Abraham, Isaac and Jacob were slaveholders. The historical facts throughout the Old Testament in relation to slavery are so abundant, that we are only embarrassed in selecting those which refer the most pointedly to the

* Gen. xiv., 14. † Gen. xii., 16. ‡ Gen. xx., 14. § Gen. xvi., 1 to 10.

|| Gallatians iv., 22. Γέγονται γὰρ, ὅτι Ἀβραὰμ δύο υἱοὺς ἔσχευ' ἓνα ἐκ τῆς παρθένου, καὶ ἓνα ἐκ τῆς ἐλευθέρου. Bloomfield's Gr. Test.

¶ Gen., ix., 25—a *servant of servants*,—παῖς οἰκέτης. The slave of a domestic.

** Gen. xvii., 13.

†† Gen. xxvi., 14.

‡‡ Gen. xxx., 43.

subject, and give the strongest sanction to the institution. In the book of Exodus, it is shown how a Hebrew could be reduced into servitude, and in what manner, if he desired it, he could recover his liberty, and if he did not, how limited service could be converted into perpetual slavery*—that the punishment of death for the murder of a slave was not distinctly pronounced as it was for the murder of a free-man,† and that it could be atoned for by a pecuniary mulct‡—that the relation between master and slave was more intimate than between master and hired servant, and that the latter was regarded, as compared to a slave, like a stranger or foreigner in his master's house."§

* Exod. xxi., 1 to 6.

† Exod. xxi., 20, 21.

‡ Exod. xxi., 32.

§ Exod. xii., 43, 44, 45.

THE OLD MAN'S COMFORT.

I.

I am old and gray—I am old and gray—
And my strength is failing me day by day;—
But it warms my heart when the sun has gone,
And her robe of stars the night puts on—
To gaze on the glad ones who gather here,
To breathe their sweet songs on my aged ear.

II.

They bear me back—they bear me back,
To the field of youth, and its flow'ry track—
When my step was light, and my heart was bold,
And my first young love was not yet cold:
And I gaze on many a laughing brow,
That sleeps in the still old church yard now.

III.

It wrung my heart—oh! it wrung my heart—
When I saw them one by one depart;
And it cost me many a tear of wo—
For my hopes were hung on the things below!
But the visions of earthly joy grow dim,
With the whit'ning hair, and the failing limb.

IV.

I am old and gray—I am old and gray—
But I've strength enough left me to kneel and pray;
And morning and evening I bless the Power,
That 'woke me to light in the midnight hour;
That spared me, to gaze with an aged eye,
On the hope that can never fade or die.

V.

I am gliding on—I am gliding on—
 Through a quiet night, to a golden dawn:
 And the merry hearts that around me play,
 Are star-beams to cheer up my lonely way!
 And oh!—may the billows of life's dark sea,
 Deal gently with them, as they have with me.

St. Augustine, Fla., July, 1845.

A. L. LEE, U. S. A.

COUNSEL CONCERNING CANNON.

THE abominable quantity of accidents to life and limb which every Fourth of July brings about, must make every reflecting man more sorry than glad to see the celebration of that anniversary going forward; and the subject calls, I think, loudly upon all who possess authority among us, for interference and protection by law, so far as law is able to afford it. Cannons, wherever they exist, ought to be registered and guarded, and whenever they are allowed to be fired at all, care ought to be taken that skilled hands should be placed in charge of them, and all fatal carelessness subjected to severe penalties. When an accident happens by misuse of any cannon belonging to an individual, the piece should be inexorably forfeited, and a penalty more or less severe inflicted upon its owner; and, take my word for it, many a life might thus be saved. Many a man would lend a cannon to a mob to whom we would not lend a shilling; many a man there is, to the shame of humanity, who cares less for the lives of half a village than he does for the small dust of his own pocket. Whenever our legislators have a moment to spare from incorporations, let them think of this; they may do their own souls some good, and get an off-set, perhaps, in this good work, against some of their accursed financiering.

In the meantime, until the idiots and madmen who resort to this dangerous amusement are put under some wholesome constraint, I propose to lay before those who may feel an interest in circulating them some instructions as to the use of cannon; and to state the precautions which must be used, and to which, with sense and forethought, will be effectual in preventing one of the worst kinds of accidents, which is the premature and unexpected discharge of the peace. This takes place in the act of re-loading, and usually takes off both the gunners' arms, and maims or destroys two or three more persons by shooting off the ramrod. I shall treat afterwards, separately, of bursting.

When a cannon is fired, every body will understand that the cart-ridge, or cover of the powder, is torn to pieces and driven forcibly in all directions from the powder it contains. It is frequently made of paper, which is the most dangerous material; and of this paper, one part only, which is the fore part, is driven out of the gun; the rest is

driven against the sides and bottom, where a portion always remains, and this portion is always on fire. Impregnated as it is with sulphurous vapour, it is highly combustible, and must be totally extinguished before a new cartridge can be introduced; the smallest imaginable remaining spark, after the sponging, will re-ignite the whole. Now the mode of arriving with certainty at this total extinction, is a simple matter, but it must be undeviatingly and observingly pursued. Imperfect instruments, or a little heedlessness and haste on the part of either of the two men whose perfect co-operation is necessary in this process, may easily nullify its effect, and cost them and their neighbors their lives. There should be one man to put his thumb upon the vent and close it perfectly; he must not let in a particle of air during the sponging: if he does, the air so admitted blows upon the fire, and the sponging acts like a bellows to the positive increase of the fire that may be there. The sponge should be sound and round, fitting and filling the cannon perfectly; it should be rammed down to the bottom of the bore, pressed hard upon it, and turned round three times one way and three times back, and withdrawn, and the vent should remain shut till it is out. If this is well done, all is safe, provided the cartridge fired was of woollen or flannel; if it was of paper it is not safe, and I cannot undertake to specify any number of spongings that would make it so.

Observe now what chances of mischief this amusement carries with it. First, the man who stops the vent, with the best intentions and diligence, may do his work insufficiently; he may not have strength to press his thumb down hard enough; he may have an old piece with a worn-out and misshapen vent which a thumb cannot close; and he may also be a little drunk, though in this respect matters of late years are better. Then the rammer may have a bad sponge; there may be defects and crevices in the cannon where the sponge does not reach; and he also may lack strength or perseverance to do his duty effectually. Sometimes for greater assurance the sponges are wet, and the water mixes with the powder left in the gun, and forms a paste like that of which squibs are made, which, of all other things, is the surest to hold and communicate fire. And thus you see the requisites for safety in this sport are manifold. First, knowledge; second, care and skill; third, attention and labor; fourth, perfect harmony and co-operation: the whole to be called forth and exercised at a moment when men in general have least knowledge, care, skill, attention, diligence and harmony.

So much for the firing, and now a word or two about bursting. And on this subject I would say, first, to the deplorable fools whom I am lecturing, get you *brass* cannon. Brass cannon are as liable as any to premature discharges, but they do not do any mischief when they burst, and this fact it may do some good to promulgate. They puff up, as it were, and fall apart, but they do not throw any fragments about among the by-standers; this kind of mischief is always done by iron guns. Again, when an iron gun bursts, it hurts nobody who stands forward of the trunnions; it always bursts from the vent to the trunnions, and throws the pieces sideways and backward. The fore-

part, from the trunnions, always remains entire, and is simply projected or pitched a little forwards.

It appears, then, that by giving to the production of this nuisance of a noise as much labour and care, and as many good faculties as might serve to effect some useful purpose, to acquire some valuable knowledge or skill, or some advancement and credit in one's business or profession, a man may possibly do it with some tolerable degree of safety. It is very disinterested in me, however, to give such men these instructions, for I abhor their noise, and I suppose the longer they live, the more of it, of course, they will make.

The handling of guns and ordnance is a matter in which more study and science have been and are employed, than any body would believe who had not given the subject some attention. People in general imagine that a cannon is a very simple thing; that any iron-founder is qualified to make one, and any militia captain to use one; and that the scientific corps of which one army possesses two or three, are a set of pompous quacks who, in all their pretensions to real usefulness, are impostors. A Vermont editor proposed recently that the whole of our military commissions should be revoked, and officers elected annually by the people; there being no reason, thought he, why the man who was General last year should be General this, but rather, indeed the contrary. I propose now to lecture you, apropos of guns, to this point also, and to show you what has been effected by the continued and faithful attention of the same set of men to the same subject. Great progress has been made in matters vital to our powers of defence, where, if any periodical change of officers had intervened, investigation could have run no course, and we should have stood still while all other nations were advancing. We are in many respects somewhat in arrears as it is, and I may cite as an example the casting of brass guns, in which we are decidedly inferior yet, both to the French and English, though we have made great progress from our starting point. Up to about 1831 or 1832, all our brass ordnance was imported, and when we first begun to use Alleghanian castings, the first guns made would only bear 2 discharges, on the average, before they burst. We had, however, officers and boards, whose business it was to note this evil and remedy it, and follow up the remedies. Constant experiments have been made in the better amalgamation of the metals from that day to this, and constant proof of the pieces produced, until we have made them to bear 1,000 service charges (with ball) before they give way. This is about the English rate, but our guns are not quite as good as theirs yet, in quality and perfection of fusion. The eye recognizes defects which the foreign guns have not, though not now sufficient to produce a marked definite difference in the use.

This rule of so many service charges using up a gun, varies, however, according to the size of a gun. Large guns bear much less than smaller ones. As indeed, one can see, that the force of an explosion which throws off a ball of 32 lbs., with the injury done the material of the gun by each such explosion, must be much greater, than by throwing balls of 6 or 12 pounds. I cannot give rules for

the rate of this difference, but I believe from a brass 6 pounder to an 18, it is estimated by good authorities at 200 discharges. That is, a brass 6 pounder ought to serve 1000 times, while an 18 cannot be expected to go over 800. Now this difference is made by a difference of four pounds in the weight of the powder employed—the charge for a 6 pounder being 2 lbs., and for an 18, 6 lbs. From the 18 pounder's charge to that of Capt. Stockton's "peacemaker," the difference is 19 lbs. of powder; and although I believe no distinct rule exists, by which the effect of this difference can be calculated, every body must see that it is probably enormous. The durability of wrought iron guns has been but little tested; if it is equal to that of bronze, it is the most that can be claimed for it; and when you compare the pieces, on this supposition, you will cease to wonder (if you ever did wonder) at the catastrophe of the "peacemaker." A 6 pounder uses two pounds of powder, and bears 1000 discharges, an 18, uses 6 lbs., and bears 800. What then ought a 212 pounder to bear, using 28 lbs. The answer can only be given conjecturally; but I have heard those whom I rely on guess it at not over 100 at the highest. Now the Peacemaker had been fired nearly, or about 100 times when she burst; and the fact is well known that experienced officers at Washington cautioned their friends, before the catastrophe, not to go near her further trials. Men who have made ordnance their study knew, and know now, that wrought iron cannot be made into serviceable cannon: there is a plain and intelligible principle involved in the process of forging large masses of iron that prevents it. Hot bars of iron are constantly added to a mass, some part of which is cooled, and in the subsequent cooling and contraction of the hot part, the position of the particles is changed by force, and cohesion diminished or destroyed. Captain Stockton brought forward this matter, which has been agitated a thousand times before during five centuries, as if some new discoveries had obviated this difficulty: but there is no such discovery. Trip hammers, indeed, are handled more cleverly than they used to be, but no hammering can act through two feet of solid iron. The thickness must be made up by parts, and with repeated heatings, and these heatings damage the iron over and above the effect of the other cause of weakness I have stated. It appears, therefore, from such reasoning as we can institute about this gun, that it ought to have been expected to burst when it did; and it appeared before the Court of Inquiry, that though the "very best iron" had been used in its manufacture, yet it seemed to have suffered from these terrible concussions "some chemical or organic change" "hitherto unknown and undreamed of."

Capt. Stockton apparently, is not at all a scientific artillerist. He seems to be a zealous, earnest man, who follows up one favorite idea, with willing disregard or contented ignorance of every thing that makes against it. His own theorizing is done with great inaccuracy of language and in-consequence of logic; and he does not give sufficient credit always to those who discovered some of his discoveries before him. In his letter to the ordnance bureau, (23d Dec., 1842,) he talks as if all artillerists hitherto had forgotten the resistance of

the air, and says, erroneous practical rules are laid down on this false basis. This is absurd, and I do not believe he can refer to an author on the subject who lays down such rules. The difference would be greater than Capt. Stockton supposed; it would be for a ball of small size as eight to one; it would go eight times as far in a vacuum as in the air, which is rather too much to overlook in laying down practical rules. Again, he lays down with much pretension, or announces that "the larger and heavier the ball the greater the range." Now this, he says, "I have heretofore and do now insist on." The phrase is awkward, and the challenge unnecessary. Express the thing rightly, and every school boy knows it; but as it stands, not even Capt. Stockton will insist on it. An oak ball of 300 lbs. is both larger and heavier than an iron one of 42, but its range would not be a tenth of the other. The larger and heavier the ball, *of the same density*, the greater no doubt is the range. I hope Capt. Stockton will not claim the discovery that 32 pounders have a longer range than sixes.

All this, and more that might be cited, goes to show, that if Capt. Stockton had any claims to special attention when he first urged this experiment, he did not prove them by displaying superior knowledge of his subject, or by accurate statement of what he certainly must have known. A proper regard to life and limb, would have induced the President (Tyler) to turn him over to the proper department, to the experienced boards of ordnance and artillery; to the men who had studied, and who did understand the matter. *They* would have rejected his scheme, and we should have been quit of it for the usual complaints about the men of routine, obstinate, prejudiced, stupid resisters of improvement, and so on. But Mr. Tyler admired the Captain's plans, and admired himself for sympathising in their greatness. They were ordered without any concurrence of the proper officers, and the country has seen a part of the consequences. I say a part; for after the catastrophe Mr. Tyler ordered one or two more, and we are yet to see what comes of that. These guns cost \$11,500, each, or therabouts, for first cost, and with carriage and accoutrements complete, probably \$13,000. They are used up in 100 discharges; each discharge, therefore, costs \$130, in the wear of the gun, to which add the ball, powder, and labor, the probability is, that the country pays \$200 a shot, when Capt. Stockton is amusing himself with snuffing candles at three miles. One could have patience with this, if it tended to any thing, but it does not. All experience shows that cast iron makes better cannon than either wrought iron or bronze. Bronze is used in field trains for lightness, but for seige and battery guns, cast iron is known to be better, more durable that is, and more accurate, as the ball does not so rapidly injure the shape of the bore. Captain Stockton sought lightness in wrought iron, and that he obtained; his gun weighed 27,000 lbs., and if it had been of cast iron it must have weighed 40,000 lbs., or even more, say 200 times the ball. I am not seaman enough to calculate the value of this saving for a gun intended for sea service; but considering that he expected it to do the work of "all the guns on board of any frigate," I think

he ought not to have insisted on its being light, at any cost in resulting to disadvantage. I believe there are great and positive advantages too, in making guns weigh 200 times their ball, where it can be done; the recoil is less, and the injury to the carriage, and even danger to the gunners from this cause, is much diminished. On board a ship these considerations are very important.

Capt. Stockton had a fancy, too, that wrought iron would not burst and do mischief, but would merely open its seams, as did his first gun—the Oregon. That argument is estopped, and now will somebody tell us what is to be done with the remainder—the last purchase of these dangerous tools. What men are to fire them? What men will set other men to fire them? What pensions will government give the wounded? What provision will it make for the widows and orphans that will be made? What reason is there to think the catastrophe of the “*peacemaker*” will not be repeated? Has the “undreamed of” change been detected, and its recurrence made impossible or improbable? One of these guns was made in England, proved there, and after proof fired a dozen or twenty times, it would seem, for the amusement of an English noble. An eighth or a quarter of its elasticity was probably destroyed, an eighth or a quarter of its value, if it may be said to have any, thrown away, and the “undreamed of” change and the eventual catastrophe accelerated by so much. Somebody is answerable for all this, and there is something wrong in our machinery at Washington, when all these things can be thus, and the proper officers of the department of ordnance are not consulted, their known opinions are set at nought, and money and life are squandered on resuscitations of exploded and dangerous projects. I began this matter with saying it was right we should have good officers, and keep them till they acquired experience; I will break off with adding, that when we have them it is a high contempt of the first principles of administration to pass over their wisdom and experience, and adopt projects all crude from the hands of their partial parents, and carry them out by the same hands to all their “undreamed of” consequences.

TO AZA!

BY THE AUTHOR OF “ON SLOW, OR THE PROTEGE OF AN ENTHUSIAST”

I.

We part as friends should never part,
For love or friendship, far too cold!
Distrustful of each other's heart,
Our doubts concealed—our hopes untold.

II.

The burning dyes that fall at eve,
Upon our too enraptured sight,

No traces of their beauties leave,
Upon the pensive brow of night.

III.

So friendship's smile, when it is gone,
Will leave no ray to light the brow;
No soft and melancholy tone,
As whispers in our bosoms now.

IV.

Then let us part, as we have met—
No vows nor pledges to renew;
Each heart, the star, that doth not set,
To love and friendship, ever true.

Montgomery, Alabama.

O.

A LEGEND OF THE SILVER WAVE.

BY MRS. CAROLINE LEE HANTZ.

It was verging towards the evening of an autumnal day, in the year 1777. The forests began to assume the varied and magnificent tints, peculiar to this season, in an American clime; those rich, brilliant dyes, which, like the hectic glow on the cheek of consumption, while it deepens the charm and the interest of beauty, is yet the herald of decay. The prevailing hue was still of a deep, unfaded green, but the woods were girdled by a band of mingled scarlet, green and yellow, whose gorgeous, rainbow-like colors, might well be compared to the wampum belt of the Indian, tracing its bright outline on the darker ground-work of the aboriginal dress. These inimitable tints were reflected in that mirror, which the children of the forest denominated the *Silver Wave*, known to us by the more familiar, but not less euphonic name of the *Ohio*; but its bosom was not then covered with those floating palaces, which now, winged by vapor, glide in beauty and power over the conscious stream. The bark canoe of the savage, or the ruder craft of the boatman, alone disturbed the silence of the solitary water. On the opposite bank, a rude fortification, constructed of fallen trees, rocks and earth, over which the American flag displayed its waving stripes, denoted the existence of a military band, in a region as yet uncultivated and but partially explored. Towards this fort, a canoe was rapidly gliding, whose motions were watched by the young commander, as he traversed the summit of the parapet, with a step which had long been regulated by the measured music of the "ear-piercing fife and spirit-stirring drum." The canoe approached the shore, and as Captain Stuart descended to receive his forest visitor, his eye, accustomed as it had been to the majestic lineaments of the savage chief, could not withhold its tribute of involuntary admiration, as they were now

unfolded to him, invested with all the pomp which marked his warlike tribe. He was indeed a noble representative of that interesting, but now degenerate race, once the sole possessors and lordly dwellers of the wilderness, now despoiled and wandering fugitives, from the land chartered to them by the direct bounty of heaven. The gallant tuft of feathers which surmounted his swarthy brow, the wampum girdle which belted his waist, his deerskin robe, ornamented with the stained ivory of the porcupine, corresponded well with the expression of his glittering eye, and the proportions of his martial limbs. From the lofty glance of that eye, he had received the appellation of the Eagle; but the commander of the fort now hailed him by the name of Sakamaw, which simply signifies a chief.

"Brother," said Sakamaw, as he leaned with stately grace on his unquivered bow, "brother, will the pale man dwell in peace and friendship with the tribe of the Shawnees, or shall the eagle spread its wings to the shore that lies nearer the setting sun? The Mengwe have sworn to obey the white father, who lives far beyond the great salt lake. The wolf and the turtle have given their allegiance to him, and the serpent and the buffalo rise up against the pale tribe that are dwelling in our wilderness. Sakamaw, the friend of the white man, comes to warn him of the snare, to know if the eagle shall curl his talons beneath his folded plumes, or arm them with the war bolt that shall find the heart of his enemy."

It was not without the deepest emotion, that Captain Stuart heard this intelligence, that the British army had received such powerful and dreaded allies, as these fierce and vindictive tribes. He felt that he occupied a perilous station, and notwithstanding the high trust he had placed in Sakamaw, who was emphatically called the friend of the white man, as he looked upon the dark brow and giant frame of the Indian warrior, all that he had heard of the treachery and revenge of the sable race, flashed upon his excited imagination. Capt. Stuart was brave, but he was in arms against a foreign foe, who had stooped to the baseness of strengthening its power, by an alliance with the children of the wilderness, arming in its cause their wild, undisciplined passions, and adding all the horrors of border warfare to the desolation that hangs over the embattled field. He may be forgiven by the bravest, if for one moment, his generous blood was chilled at the tidings, and suspicion darkened the glance which he turned on the imperturbable features of the eagle chief.

"Young man," said the savage, pointing towards the river, whose current was there quickened and swollen by the tributary waters of the Kenawha, "as the *Silver Wave* rolls troubled there by the stream that murmurs in its bosom, so does my blood chafe and foam, when its course is ruffled by passion and revenge. Feel of my veins—they are calm. Look on my bosom—it is bare. Count the beating of my heart as it rises and falls, uncovered to the eye of the Master of life. Were Sakamaw about to do a treacherous deed, he would fold his blanket over his breast, that he might hide from the Great Spirit's view, the dark workings of his soul."

"Forgive me, noble chief!" exclaimed Stuart, extending his hand

with military frankness and warmth, "I do not distrust you; you have come to us unweaponed, and we are armed; you are alone, and we have the strength of a garrison; and more than all, you warn us of treachery and hostility on the part of other tribes, and bring us offers of continued peace from your own. I cannot, I do not doubt *your* faith, but as the rules of war require some pledge as a safeguard for honor, you will consent to remain awhile as a hostage here, secure of all the respect which brave soldiers can tender to one, whose valor and worth has made the fame of this forest region."

Sakamaw assented to this proposal with proud, unhesitating dignity, and turned to follow the young officer, whose cheek burned through its soldiery brown, as he made the proposition, which military discipline required, but which he feared might be deemed an insult by the high-minded savage. Sakamaw cast his eye for a moment on the opposite shore, where it was immediately arrested, and its foot stayed in its ascent, by the objects which there met his gaze. An Indian woman, leading by the hand a young boy, of the same tawny hue, approached to the water's side, and by impressive and appealing gestures, seemed to solicit his attention and compassion.

"Why does the doe and the fawn follow the panther's path?" muttered he to himself, "why do they come where the dart of the hunter may pierce them, and leave the shelter of their own green shady bowers?"

He hesitated, as if resolving some doubts in his own mind, then springing into the canoe that lay beneath the bank on which he stood, he pushed it rapidly over the waters to the spot where they awaited him. Whether the dark shadow of future events cast its prophetic gloom before him, softening his heart, for the reception of conjugal and parental love, I know not, but there was something mysteriously tender in the manner in which he departed from the coldness and reserve peculiar to his race, and embracing his wife and son, placed them in the light bark he had just quitted, and introduced them into the presence of Stuart, who had witnessed with surprised sensibility the unwonted scene. The sensations which then moved and interested him, have been since embodied in lines, whose truth the poet most eloquently felt:

"Think not the heart in desert bred,
To passion's softer touch is dead—
Or that the shadowy skin contains
No bright or animated veins—
Where, though no blush its course betrays,
The blood in all its wildness plays."

"Sakamaw," said he, "you have decided well. Bring them to my cabin and see how warm and true a welcome a soldier's wife can offer. The walls are rough, but they who share the warrior's and the hunter's lot, must not look for downy beds or dainty fare."

It was a novel and interesting scene, when the wife and son of the Indian chief were presented to the youthful bride of Stuart, who, with generous, uncalculating ardor, had bound herself to a soldier's destiny and followed him to a camp, where she was exposed to all the priva-

tions and dangers of a remote and isolated station. As she proffered her frank, yet bashful welcome, she could not withdraw her pleased and wondering gaze from the dark, but beautiful features of the savage; clothed in the peculiar costume of her people, the symmetry of her figure and the grace of her movements, gave a singular charm to the wild and gaudy attire. The refined eye of Augusta Stuart shrunk intuitively, for a moment, from the naked arms and uncovered neck of the Indian; but there was such an expression of redeeming modesty in her countenance, and her straight, glossy hair, falling in shining folds over her bosom, formed so rich a veil, the transient disgust was lost in undisguised admiration at the beauties of a form which a sculptor might have selected as a model for his art. The dark-haired daughter of the forest, to whose untutored sight, the soldier's bride appeared fair and celestial as the inhabitant of a brighter sphere, returned her scrutinizing gaze with one of delighted awe. Her fair locks, which art had formed into waving curls on her brow, her snowy complexion and eyes of heavenly blue, beamed upon her with such transcendent loveliness, her feelings were constrained to utter themselves in words, as she had learned from her husband the language of the whites.

"Thou art fairer than the sun when she shines upon the *Silver Wave*," exclaimed Lebella, such being the name of the beautiful savage—"I have seen the moon in her brightness, the flowers in their bloom, but neither the moon when she walks over the hills of night, nor the flowers when they open their leaves to the south wind, are so fair and lovely as thou, daughter of the land of snow."

The fair cheek of Augusta mantled with carnation, as the low sweet voice of Lebella breathed forth this spontaneous tribute to her surpassing beauty. Accustomed to restrain the expression of her own feelings, she dared not avow the admiration, which had, however, passed from her heart into her eyes, but she knew that praise to a child was most acceptable to a mother's ear, and passing her white hand over the jetty locks of the Indian boy, she directed the attention of her husband to the deep hazel of his sparkling eye, and the symmetrical outlines of a figure, which bore a marked similitude to the chiselled representations of the infant Apollo. The young Adario, however, seemed not to appreciate the favors of his lovely hostess, and shrinking from her caressing hand, accompanied his father, who was conducted by Captain Stuart, to the place where he was to make his temporary abode. The romance, which gave a kind of exciting charm to the character of Augusta, had now found a legitimate object for its enthusiasm and warmth. By *romance*, I do not mean that sickly, morbid sensibility, which turns from the realities of life with indifference or disgust, yearning after strange and *hair-breadth* events—which looks on cold and unmoved, while *real* misery pines and weeps, and melts into liquid pearl at the image of *fictitious* woe—I mean that elevation of feeling, which lifts one above the weeds of the valley and the dust and soil of earth—that sunny brightness of soul, which gilds the mist and the cloud, while it deepens the glory and bloom of existence—that all-pervading, life-giving, yet self-annihilating principle,

which imparts its own light and energy to every thing around and about it, and animating all nature with its warmth and vitality, receives the indiscriminate bounties of heaven, the sunbeam, the gale, the dew and the flower, as ministers of individual joy and delight. Augusta had already begun to weave a fair vision for the future, in which the gentle Lehellia was her pupil as well as her companion, learning *from* her the elegancies and refinements of civilized life, and imparting *to* her something of her own wild and graceful originality. She witnessed with delight the artless expression of wonder, the simple decorations of her rude apartment elicited from her untaught lips, for though in the bosom of the wilderness, and dwelling in a cabin constructed of the roughest materials, the hand of feminine taste had left its embellishing traces wherever it had touched. Wild, autumnal flowers mingled their bloom and fragrance over the rustic window frame; sketches of forest scenery adorned the unplastered walls, and a guitar, laying on the table, showed that the fair mistress of this humble mansion had been accustomed to a more luxurious home and more polished scenes. I cannot but linger for a moment here, for to me it is enchanted ground—a beautiful and accomplished woman, isolated from all the allurements of the world, far from the incense of adulation and the seductions of pleasure, shedding the light of her loveliness on the bosom of wedded love, and offering the fresh and stainless blossoms of her affections on that shrine, which next to the altar of God, is holiest in her eyes. But I must turn to a darker spot, one which has left an ineffable stain in the annals of our domestic history, but which is associated with so many interesting events I would fain rescue it from oblivion.

The next morning the garrison was a scene of confusion and horror. A party of soldiers had been absent during the evening on a hunting expedition, being a favorite recreation in the bright moonlight nights. When the morning drum rolled its warning thunder, and the hunters came not as wont to perform their military duties, a general feeling of surprise and alarm pervaded the fort. Gilmore, the next officer in rank to Stuart, had a very young brother in this expedition, and filled with fraternal anxiety, he collected another party, and endeavored to follow the steps of the fugitives. After hours of fruitless search, they discovered a fatal signal, which guided their path, blood staining the herbage on which they trod, and plunging deeper into the forest, they found the murdered bodies of the victims, all bearing recent traces of the deadly scalping-knife. The soldiers gazed on the mangled and disfigured remains of their late gallant comrades with consternation and dismay, when Gilmore, rousing from their stunning influence, rushed forward, and raising the body of his youthful brother in his arms, defaced and bleeding as it was, he swore a terrible oath, that for every drop of blood that had been spilled, heaven should give him vengeance. The other soldiers, who had neither brother nor kindred among the ghastly slain, shrunk with instinctive loathing from their gory clay, but breathing imprecations against the savage murderers, they followed the steps of Gilmore, who, weighed as

he was by his lifeless burden, with rapid and unfaltering course approached the fort.

"Behold!" cried he to Stuart, who recoiled in sudden horror at the spectacle thus offered to his view—"behold!" and his voice was fearful in its deep and smothered tones. "Had he been a man—but a boy, committed to my charge with the prayers and tears of a doating father—the Benjamin of his old age. Oh! by the shed blood of innocence and youth—by the white locks of age, I swear to avenge his death, on the whole of that vindictive race who thus dare to deface the image of their Maker—my poor, poor brother!"—and the rough soldier overcome by the agony of his grief, deposited the mangled body in the ground, and throwing himself prostrate by its side, "lifted up his voice and wept aloud." The manly heart of Stuart was deeply affected by this awful catastrophe, and the violent emotion it had excited in one of the most intrepid of their band. That the treacherous deed had been committed by one of those tribes, of whose hostility Sakamaw had warned him, he could not doubt; and he looked forward with dark forebodings, to the stormy warfare that must ensue such bold and daring outrage. He turned towards Augusta, who, pale with terror, stood with her Indian friend, somewhat aloof from the dark-browed group that surrounded the mourner and the mourned, and the thought that even the arm of love, "stronger than death," might not be able to shield *her* from the ravages of such an enemy, froze for a moment the very life-blood in his veins. Sakamaw was no unmoved spectator of the scene we have described; but whatever were his internal emotions, his features remained cold and calm as the chiselled bronze they resembled. He saw many a fierce and lowering glance directed towards him, but like lightning on the same impassive surface, neither kindling nor impressing, they played around the stately form of the eagle chief.

"White warrior," said he, advancing nearer to Stuart, in the midst of the excited soldiers, "the serpent has coiled himself in the brake, to sting at the midnight hour. The wolf has lurked in ambush, and his fangs are dripping with the blood of the young. But the eagle soars in the noontide beam, and hurls the thunderbolt in the face of his foe. His children are guiltless of the innocent blood."

While Sakamaw was speaking, there was a sullen murmur of discontent among the soldiers—the low growl that harbingers the tempest's wrath. Gilmore too, rose from his recumbent position, and stood with clenched hands, shut teeth, ashy lips, and eyes that burned red and malignant through tears that the heat of revenge was now drying ere they fell. There is nothing so exasperating to one inflamed by hot and contending passions, as the sight of stoic indifference or perfect self-control. As the waters chafe and foam against the moveless cliff that stands in "*unbleached majesty*" in the midst of the raving element, the tide of human passion rages most violently, when most calmly opposed.

"Dog of an Indian!" muttered Gilmore, "painted hypocrite! fiend subtlety and guile! How dare you come hither with your vain-

boasting words, honey on your lips, and gall and bitterness in your heart? By the all-beholding heavens! you shall answer for every drop of blood spilled last night, by your own hand, or by the hands of your hellish tribe."

"Gilmore, Gilmore!" exclaimed Stuart in a tone of deep command, "you are worse than mad. Respect the laws of military honor, nor dare to insult one who has voluntarily surrendered himself as a hostage for his tribe. This chief is under my protection, under the guard and protection of every noble and honorable heart. Look upon him, he is unarmed, yet with generous trust and confidence he has entered the white man's camp, to warn him of the very outrages over which we now mourn. Gilmore, be a man, be a soldier, and command our sympathy—not our indignation."

The voice of the young commander, which had been wont to suppress every expression of mutiny or discontent, by its slightest tones, now made an appeal as vain as it was just. "Down with the red dog! down with him, Gilmore!" burst forth and echoed on every side. Again did Stuart raise his commanding voice, till it rose high and clear as the sound of the bugle's blast. He was answered by the same rebellious and daring shouts. Lehellá, who had looked on in wild, undefinable alarm, now comprehended the full extent of the danger which hung over the devoted Sakamaw, and rushing through the lawless band, she wreathed her slender arms around his majestic frame in the unavailing hope of shielding him from their rage.

"Fly, Sakamaw, fly!" she exclaimed, "the deer is not swifter than the foot of the hunter. Fly with Adario, from the home of the pale man. There is death in his gleaming eye."

"Sakamaw will never fly from the face of his foe. The Great Spirit is looking down upon my heart, and he sees that it is white of the blood of the brave." As the noble savage uttered these words, he looked up into the deep blue heavens, and drew back the deer-skin robe from his breast, as if inviting the scrutiny of the All-seeing to the recesses of his naked heart. It would seem, that

"If Heaven had not some hand
In this dark deed,"

such magnanimous sentiments would have arrested the course of their revenge, but they were blind, and deaf, and infuriated. Gilmore felt in his bosom for the pistol which he carried for his own safe-guard. Augusta saw the motion, which was unperceived by Stuart, who was endeavoring to stem the torrent swelling around him; with an irresistible impulse she pressed forward, and seized his arm at the very moment it was extended towards his victim. The motion and the report of the pistol were simultaneous. The angel of mercy was too late—the death-shot pierced the bosom of Sakamaw, and the faithful breast that had vainly interposed itself between him and the impending blow. They fell—the forest oak and the caressing vine—blasted by the avenging stroke, and the pause that succeeds the thunder's crash, is not more awful than that which followed the deadly deed.

"Great God!" exclaimed Stuart, "what have you done? All the

rivers of the West cannot wash out this foul stain." With feelings of bitter agony he knelt by the side of the dying chieftain and his martyred wife.

"Sakamaw," he cried, "friend, brother of the white man, speak, if you have breath to utter, and say you believe me guiltless of this crime—would that I had died ere I had beheld this hour."

The expiring Indian opened for the last time, that eye which had been to his tribe a lamp in peace, and a torch in war, but the eagle glance was quenched in the mists of death. Twice he endeavored to speak, but the word "*Adario*," was all that was articulated.

"Yes, Sakamaw," he cried, "I will be a father to thy boy through life; in death I will cherish him"

Who can fathom the depth, the strength of a mother's love? Le-hella, who had lain apparently lifeless on the bosom of Sakamaw, while Augusta, with bloodless cheeks and lips, hung weeping over her, seemed to arouse from the lethargy of death at the name of her son. She raised her cold cheek from its bloody pillow, and joined together her hands, already damp with the dews of dissolution, exclaimed in a voice unutterably solemn, while she lifted her dim and wavering glance to heaven—"Oh! *Thou Every Where, protect my son.*"*

With this sublime adjuration to the Omnipotent Spirit of the universe, her soul made its transit, and Stuart and Augusta were left kneeling on either side of the dead bodies of the martyred Indians.

It is painful to record a deed which must forever stain the annals of American history; but now while we glow with indignation at the tale of Indian barbarities on the frontiers of the West, let us remember the story of their past wrongs—let us think of the fate of the magnanimous Sakamaw, whose memory,

"In long after years,
Should kindle our blushes and waken our tears."

Years rolled on. The wilderness began to blossom "like the rose," and the *solitary places* to look joyous with life, and bright with promise; while on the fair banks of the Ohio, the inhabited village, the busy town, or the prouder city, rose in beauty and imitative splendor. It was where the *father of ancient waters* flows on in all the opulence of its waves, still deep in the bosom of the wilderness, an isolated cabin reared its head through thick clusters of o'ershadowing vines and perennial trees. The moon showered down its virgin rays on the woods, the waters, the peaceful cottage, the rustling trees—and lingered in brightness round two solitary figures reclining on the bank, watching the course of the swelling stream. Its pallid beams revealed the features of a man who had passed life's vernal season, and was verging towards the autumnal grey; but though the lines of deep thought or sorrow were distinctly marked on his pale brow, there was an air of military dignity and command investing his figure, which showed at once that his youth had been passed in the tented

* This impressive prayer was in reality breathed by a dying Indian mother.

field. The other figure was that of a young man in all the vigor of earliest manhood, in the simple dress of a forester, with the swarthy cheek, glittering eye and jetty locks of the Indian race. As we do not aim at mystery in the development of this simple story, we will gather up in few words the events of years, in whose silent flight the young and gallant Stuart had become the subdued and pensive moralist who sat gazing on the brink of the stream; and Adario, the orphan boy of the murdered Sakamaw, the manly youth, whose ardent yet *civilized* glance, reflected the beams that shone fitfully around them. The young, the beautiful Augusta, was now the dweller of "the dark and narrow house," and the widowed husband, disgusted with the world, retired still deeper into the shades of the West, with the child of his adoption, and one sweet inheritor of her mother's charms, who had been baptized by the soft name of Lehellah, in memory of the mother of Adario. This only daughter, accompanied by a maternal friend, had for the first time visited the scenes of her parents' nativity, and it was to watch the boat which was to bring back the rose of the wilderness to the solitary bower, that the father and Indian youth, night after night, lingered on the banks, catching the faintest sound, which anticipation might convert into the ripple caused by the dipping oar. Restless and stormy, unuttered feelings agitated the breast of Adario. Bred under the same roof, educated by the same enlightened and gifted mind, these children of the forest grew up together, entwined in heart and soul, like two plants whose roots are wreathed, and whose leaves and tendrils interlace each other in indissoluble wedlock. The son of Sakamaw, the daughter of Augusta—the dark and the fair—the eagle and the dove; it seemed to the sad and imaginative Stuart, that the spirit of the injured Sakamaw would rejoice in the land of ghosts, at the bond that should unite these descendants of their sundered tribes. Adario, tortured by jealousy and fear, awaited the return of Lehellah, with all the fiery impatience peculiar to the dark nation from which he derived his existence, though in *her* presence he was gentle and mild as the gentlest of his sex, and all the harsher traits of the aboriginal character were softened and subdued, retaining only that dignity and elevation, we can never deny is their own legitimate dower.

Though they had usually retired before the midnight hour, they remained this night longer, by a kind of mysterious sympathy and indefinable apprehension. Clouds gathered over the calm and silvered heavens, and gradually deepening in darkness wrapt the woods and waters in their solemn shadows. A low, sullen growl broke at intervals on the silence of the night, and they looked up anxiously for the flash which was to be the herald of another peal of the yet distant thunder. All was gloom above, and around; still the same sullen, murmuring sound came more distinctly on the air, which was now damp with the laboring storm. At last a light gleamed on the waters—bright, but still remote—and sent a long stream of radiance down the channel of the river, far as the spot where they were seated, gazing in a kind of fascination on the unwonted splendor. Louder and louder were those sullen murmurs, and deeper and brighter grew

the ominous and lightning-like flashes that illumined the darkness of the wilderness. Onward it came, as if containing the principle of vitality in the fiery element that spread broader and fiercer around it—howling forth as it came, those unearthly sounds, which, to the ear of an untutored savage, would have seemed the angry thunders of the Manitou. Standing on the very brink of the river, with breathless suspense they watched the approach of the blazing phantom, when the father, whose perceptions became clearer as it neared, and who had heard of those wondrous fabrics, one of those noblest inventions of human genius, that, propelled by vapor, triumph in speed over the majestic ship, or the lighter barque, believed he now for the first time beheld one of these wonders of the waves, enveloped in a glory which was only the herald of its destruction. The thought of his daughter, that she might be exposed to the awful fate, wrapped in those volumed flames, came over him like a death-blast. At this moment wild shrieks and tumultuous cries were heard confusedly mingling with the hoarse thunders and plunging sound of the waters—figures became visible through the sheets of flame, wreathed with blackening smoke, that reflected now their lurid brightness on the whole face of the sky. Suddenly a form burst through the blazing curtain, like an angel of light mid the regions of despair—it was but a glimpse of loveliness; but that one glimpse discovered the fair, far waving locks, the snow-white brow, and beauteous outlines of the daughter of Stuart. They saw her stretch forth her virgin arms to the pitiless heavens—then plunge through one devouring element into the cold embraces of another still as deadly. With one long, loud shriek of agony, the father and lovers sprang from the shelving bank, and disappeared in the ignited waves.

The morning sun shone bright and clear on the blackened wreck of the *Evening Star*, the name of the devoted boat, and the waters flowed on calmly and majestically, as if they never echoed to the shrieks of the dying, or closed over the relics of human tenderness and love. The solitary cottage was still the abode of life, and youth and hope. Adario and Lebella, redeemed from a fiery or watery grave, were once more embosomed in its peaceful shades; but they were orphans. The river of the West was now the sepulchre of the gallant soldier. Lebella wept for her father—but she wept on the bosom of her lover, and she felt she was not alone.

It was a mysterious destiny that thus united the offspring of two hostile nations in the loneliness of nature, the sacredness of love, and the holiness of religion—for Adario had learnt to worship the Christian's God. The memory of Sakamaw, the friend of the white man, is still hallowed in the traditions of the West; but many a traveller passes by the cottage of the wilderness, and gazes on its shaded image in the current that bears him along, unconscious that the son of the eagle chief, and the daughter of his brave defender, dwell within its secluded walls.

THE MARION FAMILY.

NO. VIII.

THE PARTISAN GENERAL.

"A cry of Areouski" broke our sleep,
 Where storm'd an ambush'd foe thy nation's fort,
 And rapid, rapid whoops came o'er the deep!
 But long thy country's war-sign on the steep
 Appear'd, through ghastly intervals of light,
 And deathfully their thunders seem'd to sweep,
 Till utter darkness swallow'd up the sight,
 As if a shower of blood had quenched the fiery fight."
[Gertrude of Wyoming.]

We continue with unabated zeal our self-imposed task of collecting the minutest particulars connected with the whereabouts and the name of the partisan hero, especially in those obscurer parts of his career on which the light of history and biography has shed but feeble and scattered rays. Our progress now brings us to

THE EARLY MANHOOD OF MARION.

We left him, in our last number, weaned from his propensity for the sea, and pursuing the vocation of an agriculturist. We next follow him, from Prince George, Winyah, the scene of his boyhood, to St. John's Berkley, the Parish of his birth, whither he removed or *returned*, after the death of his father, with his mother and his elder brother Gabriel. The date of this removal is erroneously stated by James. He says:—

"Mr. Henry Ravenel, of Pineville, [of St. John's,] now more than 70 years of age, knew him [Gen. Marion] in the year 1758; he had then lost his father, and, removing with his mother and brother Gabriel from Georgetown, they settled for one year, near Frierson's Lock, on the present Santee Canal."

It is our good fortune to be able to fix the date of this removal with a near approach to precision, by means of an old militia record, yet in existence, of which we have a copy, viz: the Muster Roll† of the old St.

* The Indian god of war.

† The following is a copy of the ancient record, mentioned in the text for which we are indebted to Dr. Henry Ravenel, of St. John's, Berkley. A correspondent (Theodore S. Dubose, Esq., of Fairfield District,) who first made us aware of the existence of this document, writes that, "among the 71 men [named in the muster roll] there were 56 distinct and separate names, of which the enormous proportion of 46 are extinct in that Parish, so far as I know."

LIST OF THE UPPER DISTRICT OF ST. JOHN'S PARISH, 31st JAN'Y., 1756.

Captain JOHN WARD,
 Lieutenant HENRY DE ST. JULIEN,
 Ensign STEPHEN MAZYCK,
 Clerk HENRY RAVENEL,
 Sergeants THOS. JONES, JOHN JONES.

Daniel Ravenel, Sr.
 Benj. De St. Julien,
 James Ravenel,
 Andrew Bankson,
 Richard Still,
 Henry Winningham,
 Francis Gair,
 John Pearce,
 John Lawson,

James McKelvey, Senr.,
 John Middleton,
 Alexander Dingle,
 James Newman,
 Thomas Bolleau,
 Matthew Willson,
 John Tate,
 James Flud,
 Isaac Gourdin,

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John's Company, in January, 1756. In this roll or list, under the head of "Men listed 31st January, 1756," are recorded, among other names, those of Gabriel Marion and Francis Marion, showing that the brothers must have returned to St. John's, late in 1755 or early in 1756.

The mother of Marion lived but a short time after her removal to St. John's. Her will bears date October 7th, 1757, and was proved January 20, 1758, between which dates she must have died. It will be recollected that she had a separate estate of £1500, bequeathed to her for life, by the will of her brother, Francis Cordes, with a power of disposing of the same, by will, in favor of one or more of her children. This power she exercised in favor of her two youngest children, Job and Francis, bequeathing them, in equal portions, her entire estate, except legacies of £5 currency to each of her other children, and naming Job and Francis her executors. Her reason for this discrimination is doubtless to be found in the fact, that her other children had been provided for by their father, in his life-time, who, by reason of subsequent embarrassments, had been disabled from doing the like for his two youngest sons. We learn this fact from the following passage, relative to Gabriel Marion and his sons, in the appendix to Lee's Memoirs:—

"He had five sons, of whom Francis was the youngest, who, with his brothers, received only a country education. As his three eldest children [sons] arrived at the age of manhood, they successively obtained a portion of their father's property; after which the old gentleman became embarrassed in his affairs and was, in consequence, deprived of the means of extending similar aid to his two youngest sons."

Thomas Hopkins,
Peter Pearce,
John Wheeler,
James Beard,
Philip Perott,
James McKelvey, Jr.,
William Coram,
Edward Coram,
Jacob Markley,
Michael Brady,
Robert Jones,
James Hammliton,
William Webber,
Daniel Ravenel, Jr.,
David Lafons,
John Cook,
Robert Pearce,
William Wheeler,

Johnathan Hill,
John Graves,
John Nights,
John McKelvey,
John Shaveneau,
John Breadhead,
Samuel Little,
William Budding,
Robert Taylor,
George Brunson,
William Flud,
Thomas Platt,
John Jonson,
Hugh Anderson,
John Goldsmith,
Fred. Dick,
Francis Grame.

This list serves for the 27th March, 1756, and the defaulters are pricked at the right hand of the names.

MEN LISTED 31st JANUARY, 1756.

Gabriel Marion,
Francis Marion,
Thomas Ley,

Jonathan Wood,
James Keith,
Daniel Jourdan,

MEN LISTED 27th MARCH.

Isaac Winningham,
James Bradwell,
James Winningham,

Jonathan Roil,
Thomas Comings,
Thomas Dwight.

In tracing the career of Gabriel and Francis, James proceeds thus :—

"The next year [1759] Gabriel removed to Belle Isle, in St. Stephen's Parish, [a place which he obtained by intermarriage with an heiress named Catharine Taylor,] late the residence of his son, the Hon. Robert Marion. Francis settled himself in St. John's, at a place called Pond Bluff, from the circumstance of there being a pond at the bottom of a bluff, fronting the river low grounds. This place is situated about four miles below Eutaw, on the Santee, and he continued to hold it during life. Others fix his settling in St. John's at a later period: this is of little moment, but what is of some consequence was that in this most useful of all stations, that of a tiller of the ground, he was industrious and successful."

From this it would be inferred that General Marion, on his removal to St. John's, had settled at Pond Bluff originally, and that as early as 1759. We are here again able to set the biographer right, by establishing the precise time when Gen. Marion became the owner of Pond Bluff, which was not until the 8th Sept. 1773, by purchase of 200 acres from John Matthews for £800 currency, a few years before the revolutionary war; and he could scarcely have had time to bring it well into cultivation before his country called on him to turn the plough-share into the sword. The first land, of which we can trace his ownership, was a tract of 350 acres, in Berkley County, on the waters of Santee river, granted to him August 25, 1767, and bounded north on land of Theodore Gaillard, Jr., west on land of Job Marion, south on vacant land, east on land of Mr. Ravenel, together with another tract of 100 acres, granted to him Aug. 25, 1767—the surveys being certified by B. Farrar, D. S., June 8, 1767, and memorial registered in Auditor's office, Oct. 1, 1767, by Andrew Broughton, for the memorialist. Whether he ever cultivated these tracts or not, we have no information; but we rather think he did not, as the sequel will shew that he described himself as of St. Stephen's Parish, as late as Oct. 6, 1768. The next grant of land to him, on record, is of a tract of 450 acres (Santee River Swamp) in Craven County, Aug. 19, 1768, bounded north partly on land of James Norvell and partly on land of Joseph Canteley, east on land of John Troup and Elizabeth Wilkins, south on land of Wm. McCalvey, [McKelvey] and west on land of Wm. Dogin—warrant issued by Egerton Leigh, Surveyor General, April 6, survey certified April 12, and memorial registered Oct. 14, 1768; and this same tract was conveyed by Francis Marion, on the 5th and 6th Oct., 1768 (by lease and release, in which he described himself as *then of St. Stephen's Parish*) to Mathew Neilson, for the sum of £10 current money.

We have every reason to believe that Gen. Marion, at the death of his mother, was in very narrow circumstances, and that, between that period and his purchase of Pond Bluff, or perhaps the end of the revolutionary war, he cultivated a portion of Belle Isle, in St. Stephen's Parish, by the permission of his brother Gabriel, who had become rich and the owner of that place by marriage, and whose fraternal affection the General enjoyed in a high degree. The deed above cited, describing Gen. Marion, as of St. Stephen's Parish, in October 1768, strongly confirms the following statement in a letter written to us by the Hon. Wm. Dubose, of St. Stephen's Parish :—

"It being very certain that he [Gen. M.] never owned any part of Belle Isle,

I think it very likely that it was through the liberality and kindness of his brother Gabriel, that he occupied and planted a portion of it called "Hampton Hill"; and this must have been after the Cherokee war, and after 1763. * * * * * The portion of Belle Isle, called Hampton Hill, retains the name to this day, and is marked by a prodigious oak, preserved with pious care, until two years past, when it decayed naturally and died."

THE MILITARY CAREER OF MARION.

HIS INDIAN WARS.

We next follow our hero in the vocation in which he was destined ultimately to win renown for himself and independence for his country—and proceed to trace him amidst the adventures and perils of his Indian campaigns, if not "the pomp and circumstance of glorious war." As much obscurity hangs over the commencement of his military career, as over all his earlier history. We have seen that, on the 31st January, 1756, he "listed" in the St. John's militia company. His next step in the military line was as a volunteer against the Cherokee Indians. Weems says:—

"A report then [i. e. when Marion was 27 years of age, A. D., 1759] prevailing that the Cherokee Indians were murdering the frontier settlers, Marion turned out with his rifle, as a volunteer under Governor Lyttleton.* The affair, however, proved to be a mere flash in the pan; for the Cherokees, finding that things were not exactly in the train they wished, sent a deputation with their wampum belts and peace-talks to brighten the old chain of friendship with the whites; and the good-natured Governor, thinking them sincere, concluded a treaty with them, and Marion returned to his plantation."

James confirms the fact that Marion volunteered on this occasion, but differs from Weems (and was probably correct in so doing) in converting the *rifleman* into a *trooper*. He says:—

"In the same year, 1759, the Cherokee-war broke out and he [Marion] turned out as a volunteer, in his brother's [Gabriel's] Troop of Provincial Cavalry."

Ramsay gives the same account, saying:—

"In *Lyttleton's* Expedition against the Indians, in 1759, he went as a volunteer in his brother's *troop of horse*."

Simms, citing James as his authority, so far as Marion was concerned, says:—

"At the opening of the year 1759, the colony of South-Carolina was threatened with an Indian war. The whole frontier of the Southern Provinces, from Pennsylvania to Georgia, was threatened by the savages, and the scalping knife had already begun its bloody work upon the weak and unsuspecting borderers. *

* * * * * The emergency was pressing, and Governor Lyttleton, of South-Carolina, called out the Militia of the Province. They were required to rendezvous at the Congarees, about 140 miles from Charleston. To this rendezvous Marion repaired in a troop of Provincial Cavalry, commanded by one of his brothers. But he was not yet to flesh his maiden valor upon the enemy. The prompt preparations of the Carolinians had somewhat lessened the appetite of the savages for war."

This is the sum total of what the chroniclers give us of Marion's connection with Governor Lyttleton's famous, expensive and mis-

* The name of this colonial Governor was William Henry *Lyttleton*, not *Lytleton*. All the biographers and historians spell it wrong. We have his genuine signature to the original grant of Pond Bluff, (afterwards Gen. Marion's plantation), made to James Flud, Aug. 1, 1758, and it is spelt conformably to our correction—and is so printed in all the newspapers of his day.

chievous expedition. But we have every reason to believe that Marion, who promptly volunteered his services at the inception of this expedition, adhered to it to the end; and, as well for this reason, as because it is a morceau of colonial history, curious and interesting in itself, we venture, although rather *episodically*, to present a brief sketch of its commencement, progress, termination and results.

After the defeat of the French on the Ohio, and the fall of forts Frontinac and Duquesne, in 1758—the result of British and Provincial valor, aided by a strong force of Cherokee warriors—the Indian auxiliaries of Great Britain, on their way home, while passing the frontiers of Virginia, having lost their horses in the recent campaign, freely and unceremoniously helped themselves to new steeds from the pastures of the Old Dominion. This act, not very criminal in savages, with their loose notions of the right of property, was rashly and excessively resented and avenged by the Virginians, who rose on their late allies and slew some and imprisoned others of the Indian warriors. Exasperated at such treatment and such a requital of their services in vanquishing the common enemy, and instigated by the emissaries of France, the savages took bloody revenge and commenced an indiscriminate slaughter of the whites. The war cloud approaching the frontier colonists of South-Carolina, the commanding officer at Fort Prince George, a frontier post, on the Isundiga or Isundigaw River, (a tributary of the Tugaloo or Savannah River,) within gun-shot of the Indian town of Little Keowee, despatched a messenger to Governor Lyttelton to inform him of the coming peril, and of outrages already perpetrated; and that functionary forthwith convened the Legislature to supply the necessary appropriations, called for volunteers and summoned the militia of the country to rendezvous at the Congarees, and march under his own command against the foe. The Indians, hearing of these formidable preparations, and probably not being fully prepared for war, immediately sent a deputation of thirty-two chiefs, (say the historians, 55 Indians and 17 of them head men, says the S. C. Gazette* of that period), to Charleston, with professions

* The South-Carolina Gazette, of Wednesday, Oct. 20, 1759, says—"In our Extra Gazette, of Wednesday last, we mentioned the arrival of 55 Cherokees within a mile of Town. The names of the head-men among them (17 in number) are Ocunnastota, the Great Warrior; Kettagusta his brother; and Tony, another warrior, all of Chote; the Spring Warrior of Great Tellico; Teletibi, of Toquo; Moittoi and Old Cæsar, of Chatuga; Skaliloske, the 2d Man, of Little Tellico; Kiliana-ka, the Black-Dog of Hywassee; Woahatchee, of Conasachee, or the Sugar-Town; the King, the Old Head-Warrior, Oulusta, the beloved man, Oucatah, Old Hop's son in law, and Yahoulah, a Warrior, of Estatoo; Tifioe, the 3d Man, and Oconi-ker, the Wolf of Keowee."

They were admitted to a conference with the Governor, in the Council Chamber the next day, and to several conferences afterwards, in which they allowed they were not regularly deputed to make proposals, and had rather come to hear than to make a talk, but said they had been sent by Old Hop "to make the path straight, to brighten the chain and to accommodate differences". They also confessed that outrages had been committed by their nation, and ascribed them to their young men, provoked by some irregularities of the white people at the fort; and professed a desire to bury the past, but offered no satisfaction. They then laid skins at the Governor's feet, and offered strings of white beads (tokens of peace), which his Excellency permitted them to lay down, but would not receive. On the 21st Nov., they had their final audience, and received notice

of peace on their lips, if not in their hearts, to appease the whites and avert the threatened invasion of their territory. Governor Lyttelton, either doubting their sincerity, or unwilling to forego the opportunity of a military display, refused to listen to their explanations, and, dealing with them rather as hostages and captives than ambassadors, carried them with him to the Congarees, under the pretext that such a course was necessary to their safety. In the meantime, the call of the Governor had been promptly and gallantly met by the people generally, and especially in Charleston, where both person and purse were freely offered for the public service—the volunteers being numerous, and no less than £36,000 (currency, we presume) being immediately subscribed to supply the public treasury. The detachment from the Charleston Artillery resolved to defray their own expenses; and “to their honor” was it recorded “that no less than sixteen volunteers from the *infant* artillery company, in uniform and completely armed and mounted”, were to attend his Excellency in the expedition.

We condense the following account of the Governor's progress from the South-Carolina Gazette, of the years 1759–60, edited by Peter Timothy, the files of which are preserved in the Charleston Library.

On Friday, the 26th October, 1759, at 10 o'clock, A. M., his Excellency, the Governor and Commander-in-Chief, set out from his house, on the expedition to repel the threatened invasion of the Cherokees, and “as well to humble our perfidious enemy as to re-establish the peace, security and prosperity of the Province, which none has ever appeared to have more sincerely at heart.” He was accompanied by the Hon. Brigadier General Bull, and Col. Howarth; and attended by several of the officers appointed for the expedition. The Staff officers named for the occasion were Maj. Henry Hyrne, of the Provincials, Adjutant General; Lieut. Lachlan Shaw, of the Independents, Major of Brigade; Ensign Lachlan McIntosh, of the last named corps, Quarter Master; William Drayton and William Moultrie, Aids-de-camp; Joseph Nutt, Commissary, and George Milligan, Surgeon of the Independents, Chief Surgeon and Director of the Hospitals. The Charles Town and State Troops of Horse, Captain Gadsden with the volunteers of the Artillery Company, and a considerable number of other gentlemen, volunteers, also attended his Excellency. Brigadier General Bull accompanied his Excellency to Perronneau's, on Goose Creek, and the troops of horse above mentioned, under command of Major Wm. Walter, escorted him to the same point. There the Governor found the Dorchester Troop of horse, commanded by Capt. Skene; and his Excellency and the troops lay that night at the residence of Francis Kinloch, Esq. The same day, the first division of the army, which had set out the Tuesday before, with the Indian hostages, baggage, etc., arrived and encamped at Monck's Corner. On Saturday, the 27th, the Governor reached Monck's Corner and passed the night at the plantation of Wm. Moul-

that the Governor declined treating with them, and was determined to go in person, with his warriors, to demand satisfaction of their nation, and that they must accompany him.

trie. On the 28th, he was at the Eutaw Spring, and on the 29th, at Sergeant Campbell's. The same day (Monday) the forces at Monck's Corner drew up under arms and fired three vollies as a *feu de joie*, in honor of the reduction of Quebec by the British; and some gentlemen of the Artillery Company, who had gone thus far to see the camp, fired a few rounds from the field pieces and gave a genteel entertainment to all the militia officers. On the 30th, the Governor was at Conrad Holman's, at Amelia, and there met an Indian, called Man-Killer, or Round O, of Stickowee, and 39 other Cherokees, who professed friendship for the whites—Man-Killer acquiescing in the propriety of the Governor's demands, and declaring he would join in bringing the Indians to reason. The same day 18 wagons from the Congarees, escorted by a detachment of Col. Chevillotte's Regiment, arrived at Monck's Corner, to convey the provisions, ammunition, etc., to the rendezvous. On Wednesday, the 31st, his Excellency arrived, with the volunteers, at Mrs. Mercier's, at the Congarees, and there found the battalions of Colonels Chevillotte and Richardson. On the 1st Nov., the Governor reviewed all the forces and celebrated the taking of Quebec by three general discharges of musketry. On the 2d, Col. Powell's battalion and the troops from Monck's Corner arrived, and the whole force not being 1000 men, orders were issued for 500 more from the regiments of Colonels Hyrne, Heyward, Rivers and Pawley. On the 5th, the gentlemen volunteers, by permission of the Governor, chose Thomas Middleton, Esq., for their Captain, and John Moultrie Jun, Esq., for their Lieutenant. On the 10th, his Majesty's birth-day was celebrated in the camp, by a review, discharge of artillery and small arms, and suitable festivities. On the 21st, the troops reached Ninety-six. On the 22d November, additional volunteers arrived under Major George Paddon Bond and Major Ford. On the 9th December, the Provincial army, amounting in all to about 1700 men, (having received the accession of Lieut. Col. Singleton's corps) arrived at Fort Prince George, without any adventures of very particular note by the way, except having been joined by a party of Chickasaws, with whom the Cherokees attempted suspicious communications.

The Cherokee captives, who marched with the army, affected contentment, but in reality burned with indignation at what they deemed their faithless and ignominious treatment. On the removal of the army from the Congarees, the Indian chiefs were all made prisoners, and, two of them having escaped, a Captain's guard was mounted over the rest. At this additional ill-treatment they no longer concealed their resentment, and, on their arrival at the fort, to prevent danger from them, they were "cabin'd, cribb'd, confin'd", in a hut scarcely fit for the accommodation of six soldiers.

The army being poorly armed and disciplined, and sickness, discontent, desertion and mutiny prevailing, the Governor deemed it imprudent and dangerous to advance into the enemy's country, and therefore, sent for Attakullakulla, called the little carpenter, who was esteemed the wisest man of the nation, and a steady friend of the English. The Chief readily obeyed the summons, and, on the 17th December, 1759,

Gov. Lyttelton held a conference with the Indians, and, in a speech to Attakullakulla, described the wrongs and murders perpetrated on the whites, and demanded, as the condition of peace, the surrender of 24 Indians (to be those who had committed the murders) to be put to death in atonement for the same number of whites slain by the Indians. Attakullakulla replied pacifically, but rather complainingly, of the hard terms exacted of his people. At his request, however, the Governor released Oconostata, the Great Warrior of Chote, (also called the *Standing Turkey*) Tiftoe (or Fiftoe, as Ramsay has it), the chief man of Keowee Town, and the head warrior of Estatoe, who next day delivered up two Indians, who were ordered to be put in irons. Thereupon, the other Cherokees present immediately fled, and it being impossible to complete the required number, Attakullakulla, hopeless of peace on the Governor's terms, resolved to return home and await the result. His Excellency, however, in this emergency, took better counsel, recalled the friendly chief, and, relaxing his rigor, negotiated a treaty of peace, signed by himself, Attakullakulla, another chief and four of the imprisoned warriors, Dec. 26, 1759. One of the conditions of this treaty was, that 22* chiefs should remain as hostages in the fort, until the same number of Indian murderers should be surrendered to the Governor. One more Indian was delivered up and a hostage released in his place; and he and the two others, given up by their companions, were carried to Charleston and there died in confinement.

No sooner was this treaty negotiated, than the small pox, which was raging in an adjacent Indian town, broke out in the camp, and the army, stricken with terror, rapidly dispersed to their homes. His Excellency followed their example, and arrived in Charleston on the 8th of January, 1760, his vain-glorious and imbecile expedition having cost the Province £25,000 sterling; and, strange to say, he "was received like a conqueror with the greatest demonstrations of joy;" although not a drop of blood had been shed in the whole campaign, and he had only achieved a treaty, chiefly extorted from prisoners, and bearing in its bosom the prurient seeds of future mischief. He had, like

"The King of France, with fifty thousand men,
Marched up the hill and then marched down again;"

and was about as much entitled to a triumphal entry, as the Roman Emperor who claimed an ovation for gathering cockle shells on the shores of Britain. Yet, says Hewatt, "addresses the most flattering were presented to him by the different societies and professions, and bonfires and illuminations, testified the high sense the inhabitants entertained of his merit and services, and the happy consequences they believed would result from the expedition."†

* Ramsay says 26 and Simms 24, but Hewatt and the treaty, in the South-Carolina Gazette, say 22, two having been already surrendered. Their names were Chenohe, Ousatanah, Tallochama, Tallitah, Quarrasatahe, Connasoratah, Kataetoi, Otassite, of Watago, Ousanolitah, of Jore, Ousanolitah, of Cowetche, Chisquatalone, Skiagusta, of Stickowee, Sanaoeste, Woahatche, Woeyah, Oucah, Chistanah, Nicholehe, Tony, Totiaah-hoi, Skaliloske, and Chistu.

† The South-Carolina Gazette of Saturday, January 12, 1760, at the close of a minute history of the expedition, thus chronicles these premature rejoicings, and

Tradition is said to ascribe to our hero a participation in another tour of Indian service, in which his particular share or adventures are as little noticed or recorded, as in the abortive campaign just described. We allude to Montgomery's Expedition against the Cherokees in 1760. The necessity for this expedition grew out of the heart-burning and enmity created in the bosoms of the Indians by Gov. Lyttelton's proceedings towards their chiefs, although he, having brewed the storm, by his promotion and removal to the government of Jamaica,* left his successor, Lieut. Governor Bull, to quell it. Scarcely had the extravagant rejoicings at Gov. Lyttelton's bloodless triumph died on the ear, when news arrived that the Cherokees had committed fresh hostilities, and slain 14 men within a mile of Fort Prince George. Oconostata, too, become the implacable enemy of the whites, in consequence of his treatment in Charleston and at Fort Prince George, perpetrated an act of signal revenge. He invested the Fort with a strong party of Cherokees, but, finding that he could make no im-

deceitful anticipations of good.—“Thus ends our account of the Cherokee Expedition—an Expedition which we cannot forbear repeating has been carried on by and at the sole expense of the inhabitants of the infant colony of South-Carolina, under the conduct and immediate command of his Excellency William Henry Lyttelton, Esq., their Governor, at a season of the year the most unfavorable for military operations—an expedition of the utmost importance not only to this Province, but also to North-Carolina, Virginia and Georgia, and in which a very numerous, powerful, treacherous and insolent nation of savages have been compelled to submit to such terms, and without bloodshed, as we believe the annals of America cannot furnish a similar instance of. The Cherokee nation consists of between 2000 and 3000 gun-men.

Late on Tuesday evening, his Excellency the Governor, attended by the gentlemen who acted as Staff Officers on the late expedition, and Capt. Gadsden with the gentlemen of his company of Artillery that went volunteers, arrived in town from Fort Prince George in good health. His Excellency endeavored to make his entry into town in a private manner, but Capt. Gadsden's Company, hearing of his coming, marched (in their uniform) two miles up the path to meet him, where they saluted him with three rounds and three cheers, which they repeated afterwards at his own door. The same night the gentlemen of His Majesty's Council congratulated his Excellency on his safe return, and gave him an invitation to an entertainment by them ordered to be provided at Mr. Gordon's the next day. Wednesday morning the forts and vessels in the harbour fired and displayed all their colors. The Charlestown Regiment of foot and troop of horse were drawn up in Broad-street, and, as his Excellency passed to dine with the Council, saluted him with a general volley, immediately after the second discharge from the forts had been made. The evening was concluded with numerous and curious illuminations, bonfires and other demonstrations of that satisfaction and joy, which the almost unexpected success of our expedition had occasioned.

By gentlemen, who left some of the Cherokee towns, the 1st instant, we learn that the Indians behave themselves with the utmost humility, complaisance and hospitality, and seemed as if they could not show respect enough to the white people.”

Congratulatory addresses were presented to his Excellency by His Majesty's Council, the Charlestown Library Society, and the Reverend Clergy, and suitable and modest responses were made by the bloodless victor.

*Lyttelton sailed from Charleston in the Frigate Trent, on the 4th April, 1760. His title was Governor in Chief, and Captain General, in and over the Province of South-Carolina, that of his successor, Wm. Bull, was Lieutenant Governor and Commander in Chief.

pression on it, he resorted to stratagem to accomplish his ends. By means of an Indian woman, whom he knew to be always well received at the Fort, he enticed Captain (say Hewatt and Ramsay, Colonel, says Simms, and Lieutenant says the South-Carolina Gazette) Cotymore, (whom Gov. Lyttelton had left in command there,) accompanied by Lieuts. Bell and Foster, (by Ensign Bell, interpreter Forster, and Mr. Dogharty, says the S. C. Gazette,) to the river side, in expectation of receiving from him some important communication. Occonostata met them at the appointed place, and, after a little parley, gave the signal (by swinging a bridle thrice round his head) to a party of Indians in ambush, who immediately fired and shot the Captain dead on the spot and wounded his companions.* In consequence of this occurrence, orders were given, in the Fort, to put the hostages in irons, to prevent danger from them; and, in attempting to execute these orders, several of the soldiers were stabbed by the hostages, upon which the garrison fell on the savages and massacred them. This unfortunate and indefensible tragedy roused the Cherokees to fury, and they commenced a merciless war against men, women and children on the frontiers of the colony. The small pox still raging, and few of the militia being willing to leave their afflicted families at such a time, an express was sent to General Amherst, then Commander in Chief of the British forces in America, imploring military aid; and Col. Archibald Montgomery, afterwards Earl of Eglintoun, was accordingly despatched from Canada, and arrived in Charleston on the 1st April, 1760, with six companies (says Ramsay, Simms says four) of the Royal Scots, and six companies of the 72d Regiment, (and a Battalion of Highlanders, says Simms,) in which were included the Grenadiers and Light Infantry Companies of several regiments.† The troops marched for Monck's Corner on the 6th, arrived there on the 12th, and left there for the Indian territory on the 23d of April. The health of the Province having improved, a number of Carolina Volunteers (and among them perhaps Marion) also repaired to the rendezvous at Monck's Corner. Seven troops of rangers were also raised by the State, in anticipation of Montgomery's arrival, to protect the frontiers, and to co-operate with the regulars in carrying offensive operations into the Indian country. Montgomery, with 2000 men, then made a rapid and successful inroad into the enemy's country, destroying the towns of Little Keowee, Estatoe and Sugar-Town (Shugaw

*The South-Carolina Gazette, of March 1st, 1760, gives the following account of this affair.—“Letters are just received from Fort Prince George, dated 24th Feb., and contain the following advices: That, on the 16th February, two Indian wenches appeared on the river side, at Keowee: That Mr. Dogharty went out of the Fort to ask the news: That presently after the great warrior, of Chote (Occonostata) appeared, and desired that he would call the commanding officer of the Fort, and tell him he wanted to talk with him: That Dogharty did so, and Lieut. Cotymore went to the bank of the river, accompanied by said Dogharty, Ensign Bell, and Forster, the interpreter,” and that Cotymore was shot in the left breast, and it was feared the wound would prove mortal; Bell in the calf of the leg, and Forster in the buttock.

†The South-Carolina Gazette says, with a Regiment of foot of 600 men, (the Royal Scots,) and 600 of Col. Montgomery's Highlanders.

Town, says Simms), relieving Fort Prince George, and, after a severe and bloody conflict, defeating the Indians with great slaughter, near the town of Etchoee in the heart of their country. After inflicting this severe chastisement, Montgomery, his army being greatly encumbered and crippled with the wounded, was constrained to retreat and abandon Etchoee, which he did on the 29th June, and returned to the Fort; and, in August 1760, agreeably to his orders, he embarked for New-York, to the great dissatisfaction of the Carolinians, leaving, however, to pacify them, four companies, under the command of Major Frederick Hamilton, to cover the frontiers, the Indians having been only chastised, not subdued.

As to Marion's apocryphal share in this expedition, Simms, the only one of his biographers, who alludes to it, gives us the following scraps:

"They, (the country gentlemen of the Province) turned out in force as volunteers, and under the spirited direction of Governor Bull, the whole disposable force of the Province was put in requisition. Among these, it is not so sure, but it is believed that Francis Marion once more made his appearance as a volunteer. From what is known of his character, his temperament, and that unsatisfied craving, which he seems to have shown from the beginning, for such excitement, it is reasonable to infer his presence in the field. But, though asserted by tradition we confess that the records are silent on the subject."

Again:

"We have admitted an uncertainty as to the presence of Marion in this campaign. It would be impertinent and idle therefore to speculate upon his performances, or the share he might have taken in its events. Tradition simply assures us that he did distinguish himself. That, if present, he did his duty, we have no question; and, enduring with becoming resolution, the worst severities of the march, proved himself possessed of the first great requisite for soldiery in Indian warfare."

Ramsay notices Marion's connection both with Lyttelton's expedition in 1759, and Grant's, in 1761, but omits all mention of his presence in Montgomery's, in 1760,—and Moultrie, in his "Memoirs," mentions Marion, as *entering* the field of Mars under Grant, and is silent as to his previous service under any other leader,—thus increasing the improbability of Marion's service with Montgomery. Simms alludes, in a note, to Moultrie's reference to Marion's campaign with Grant, as his *first* military service, as adding to the doubt of his presence with Montgomery, but holds Moultrie's testimony weakened by his omission of all allusion to Marion's previous service under Lyttelton, and his implied negation of that undoubted fact. We think, however, that Moultrie might have said that Marion and he "*entered* the field of Mars together" under Grant, because he was aware that the campaign of Lyttelton was, (as Weems calls it) "*a flash in the pan*," and one in which our hero had no opportunity (as Simms himself expresses it) "*to flesh his maiden valor upon the enemy*."

Our own conclusion, from a survey of the whole field, is that Marion bore no part in Montgomery's expedition, as neither Weems, who collected, from the widow and family of the hero, the traditions of the day, nor James, who served under him in the revolutionary war, and also derived information from his family and friends, nor any histo-

ry or newspaper of the times, says a word of his military service on the occasion.

In our next number we shall have the lamp of history to guide our feet, and our hero will be exhibited taking an *actual* and conspicuous, not an *apocryphal* part, in the perilous scenes of savage warfare, and pluming himself at once with the laurels of valor and humanity.

R. Y.

THE PERVERSE.

LIFE's affluence still around us, how we scan
The flow'r she brings us, grasping still the thorn;
We seek for foreign pleasures, both to see,
What fruits and blossoms bless our garden tree;
How rich the light our evening sun bestows,
With what soft virgin smile our moonlight glows;
What music times our fountain, as it shows
A thousand droplets o'er our sunny bow'rs;
How sweet the bird that by our lattice sings;
How soft the breeze that soothes us with its wings;
What hopes may brighten if their smiles we woo;
What joys make captive, if we but pursue;
If but the will and purpose prompt the toil,
What conquests crown, how exquisite the spoil!
But with what blindness do we mock the prize,
Within our grasp, imploring still our eyes;
Deny the loveliest beauties of the year,
Reject the breeze, the song that comes to cheer,
And with strange passion and perverseness fed,
Create the very monsters that we dread!

TALMA AND JOHN BULL.

It is recorded of Talma, that, upon some wiseacre's exclaiming from the pit,—on the first night of the great actor's appearance in London,—“Is this the great Talma!” he replied,—in allusion to the gross interruptions he had to encounter in the course of the performance,—“No! it is *not* Talma.”—John Bull is occasionally susceptible, however, of some generous impulses.—An actor having in some way offended the audience one night, they demanded his prompt appearance before them, requiring that he should *go down upon his knees*, and ask forgiveness of the house. The demand was for some time stoutly resisted by the offending performer, until the uproar increased to such a degree, that the manager had to urge him upon the stage, as the only means of saving the house, boxes, chandeliers, etc., from demolition. The poor actor accordingly appeared, and was instantly met with the cry,—“Down upon your knees! down upon your knees!” He gradually and reluctantly commenced the required genuflexion, when, being about half-way down, on one knee, his English blood rebelled, and, starting to his feet, he exclaimed, “I’ll be d—d if I do!” The effect was electrical!—the spirit of the actor converted the angry feeling of the audience into one of enthusiastic admiration; and, instead of the cry, “Down upon your knees!” the cheering one of “Bravo! bravo!” resounded from the fifth gallery to the pit!

EDITORIAL BUREAU.

THE contributions of the publishers have been growing upon our hands, and, with 'our barque upon the sea,' ready for a brief flight to cooler regions, we find it necessary to despatch them with a brief summary of the leading characteristics of each, in preference to the old mode of discussing their claims separately and at some length. The author may complain of this injustice, but we trust that the reader will be more indulgent. Indeed, we seldom know the latter to resent the brevity and superficiality of literary criticism,—the more's the pity, and the more the misfortune, perhaps, to authors and themselves. We do not know that the month has been productive of any very startling novelties. There have been no publications to provoke much sensation—certainly, none that have been laid upon our table, have done so in one single instance. The excessive heat of the weather would have made any such design highly improper on the part of publisher and author. We cannot bear with provocation just now. We must be suffered to keep as cool as we can, letting our passions and vanities sleep together in the shade, and exercising, at best, only our tastes. That we may do this, with pleasantness and profit, there is a sufficient ministry. Works of art and fancy occasionally start up from the great deeps of publication, and implore us with song to listen. Here now are two volumes of verse,—one by the Rev. Ralph Hoyt, of New-York, entitled

"*A Chaunt of Life.*" This volume constitutes the second of six parts, or numbers, comprising a *mélange*, of which the "Chaunt of Life," constitutes but a moderate portion. We take for granted that the volume before us affords a fair sample of the author. His writings are didactic,—and this, as they come from a clergyman,—was to be expected. His muse is a meek and gentle one, and deals in none of your ravishing and passionate ebullitions. She modestly pursues a tolerably beaten path, and is content to be agreeable. She offends no tastes and excites none but pleasing and subdued emotions. Her fancies, in a moral sense, are sufficiently proper and elevated. She seems to us to lack variety. This is certainly the fault of the part before us. It may not be so with any of the rest. We shall see when they reach us. The second of the "Chaunt of Life," is a subdued and thoughtful strain, marked by good sense, correct feeling and a becoming taste. It is followed by two quaint but pleasing sketches entitled "Old" and "New," in which the sweetness and simplicity—even if the latter occasionally degenerates into an affectation—combine the effects of novelty with grace and pathos.

To this author succeeds another of rather bolder muse and temper. Dr. Thomas H. Chivers, of Georgia, is the author of a collection, in pamphlet form, entitled,—unhappily, we think,—

"*The Lost Pleiad, and other Poems.*" This title is a hacknied one. Miss London has made it conspicuous as the title of a volume, and it has been employed frequently before, in connection with single and small effusions. We have long known Dr. Chivers, through his writings, as a man of real talent, and very delicate

fancy. He possesses a poetic ardor sufficiently fervid, and a singularly marked command of language. But he should have been caught young, and well-bitted, and subjected to the severest training. He is perverse and wilful, and his muse labors under the worst of all misfortunes, to a poet with a large development of *appropriateness*—she is peculiarly monotonous. The idiosyncrasy of the author allows her no privileges of her own, but subjects her only to one form of service. Never was poet more luckless in the direction of his wing. His judgment fails him in the choice of topics, and fails him because of an unmanageable excess of egotism which pervades his mental structure. Of course we employ the word egotism in no offensive, or *personal* sense, but simply in regard to the intellectual and moral organization of the writer. This quality permeates the whole mass of his writings. It is the obtrusive aspect which rises up utterly to deny the reader the privilege of that sympathy, which it is the purpose of the author to provoke. As an artist, Dr. Chivers is yet in his accidence. He allows the man constantly to interfere with and to thwart the objects of the poet. The greater number of the articles, in this collection, relate to his personal bereavements. The poem which gives its title to the volume, is an elegy on the death of his first born,—and contains no less than eight hundred lines, being by some six hundred or more, the very longest production of the kind, in any living or dead language. That there are good lines in this poem,—pleasing, touching, musical and thoughtful,—we do not pretend to deny;—but, if they were all good, nobody but the author and his critic would ever read them. Even the egotism of Lord Byron, who was, as we all know, one of the lordliest egotists that ever lived, never dilated at such fearful length; or if it did,—as in the case of Childe Harold—the display of self was diversified by picturesque descriptions—by narratives of the outer world,—by delineations of character,—by history, philosophy and fiction. He never ventured to challenge public interest entirely in his own behalf—to say, in the language of Gesler,

"This is my cap, fall down and worship it!"

The skill of Lord Byron, as an artist, was never more admirably shown, than in his contrivances to pass off his own purely personal emotions, as the natural sentiments of the human family at large. But the personal exertions of Dr. Chivers do not end in this single poem. The subjects, similarly chosen with the preceding, and similarly treated, which are to be found in this volume, are no less than eighteen or twenty in number. These, all induced by the individual losses of the father and the son, are all gloomy in expression, and all, necessarily, distinguished by the same constantly recurring trains of thought and sentiment. Now, while we admit the frequent fancy, and the occasional grace and felicity of thought and diction, we certainly cannot do more. Such writings may be quite creditable to the heart of the writer, as indicative of the warm and human character of his affections,—but why does he publish them? The policy of this proceeding is surely very questionable. Perhaps, there is no language more utterly offensive to the public than that of egotism, particularly when it is avowedly such, and when its expression is wholly unrelieved by the various moods of intense and eager passion. People finally sickened of Lord Byron for this very reason. His chaunt became monotonous. They were annoyed that he should be so constantly and so musically unhappy. They were vexed at his eternal whinings and growlings. "Confound him," said they at last, as the wounded Irishman said of his comrade, who was groaning beyond all military or manly reason, on the

field of battle,—“Confound the fellow! does he think there’s nobody killed but himself?” They finally, and very naturally too, began to suspect the feeling and sensibility which were thus eternally publishing themselves for vulgar admiration,—and if they did not altogether question his sincerity, they did his manliness. They might have done both with safety. It is for the true man to wait patiently and to endure without complaint. This counsel will suit the poet, no less than the man, and, if adopted by the writer of this volume, five years ago, it would have enabled him to challenge the admiration of the reader with an hundred times better chances of success. The monotonous tenor of his strains impair very much the just claims of Dr. Chivers to the respect of his reader. His skill in versification, his fluency of expression, the delicacy of his tastes, the *spirituelle* in his fancy,—these are all, under just direction of the judgment, elements of success for the poet. It is a wilfulness that perverts their use, and mocks continually the yielding sympathies of the reader. Indeed, he will not be read. That is the danger. One will weary of turning over pages which thicken and grow cloudy with the same eternal sentiment. One poem will suffice for all the rest. They will soon discover that the knowledge of one embodies the burthen of the whole; and, having seen what is the peculiar vein of the author, they will abandon him after a single snatch at his pages. This is the danger, ordinarily, of all fugitive poetry. Even Anacreon Moore, the most various and elastic of all writers in this department, suffers from this fate. The perusal of a dozen of his songs will commonly suffice the reader for a single sitting, and, however enthusiastic at first, the charm soon subsides after a first taste. He will recur to the pages, with a rapidly lessening eagerness, at every trial; and will content himself, finally, with passing glimpses, and an occasional dip into the volume, of which, at the beginning, he fancied himself in possession of never failing sources of delight. Miscellanies, always, even at the best, labor under this disadvantage; and fatigue the mind, as the crowding together of numerous independent forms fatigues the eye, after the single startling effect of a first and hurried glance. It is the prolonged and elaborate effort, in unique form, which, by the gradual development of various, but mutually consistent interests, carries the reader forward without fatigue, to satisfactory conclusions, so that he will be almost unconscious of his own progress through the pages, regretting when he finds himself at the close—this is the sort of writing, elaborate, various, compact,—not only to give delight but to live. Now, even if the best of miscellaneous or fugitive writings, have in them this certain quality of self-injury, even where the judicious artist avails himself of all the materials of fancy and imagination—various in his rhythm and in his topics,—and appealing, as often as he can, not to the nature within himself, but to that which he conjectures to be within his readers,—what must be his fate who disdains all this consideration, who asks not what those feel or think around him, to whom he addresses himself—who consults not their desires, their sympathies, their aims,—and sedulously urges his own upon them for adoption,—these too, being single-eyed, solely personal, and yielded to topics upon which no neighbour listens very long or very attentively, even in society, and where the ordinary sympathies of humanity and conversation moves him to good-will and a show of friendly interest. The poet may answer the query for himself. We have said that Dr. Chivers writes with considerable ease and fluency. He writes too easily, and hence the impulse to give utterance to the most casual emotions. Bating the morbid *subjectivity* of which we complain, he may

be said to write with considerable skill and ingenuity. His versification, without being very remarkable, is yet very good and forcible. His fancy is lively and excursive, and his tastes are pure and delicate. His ingenuity or invention—perhaps, we should be more correct to say, his imagination, seems feeble and deficient, and this may account for the ascendancy of his egotism. But for this deficiency, he would *go more out of himself*, and acquire the necessary variety, in the consideration of other characters and objects. His *objectivity*, now kept in subjection by his simple individuality, might then expand and grow. He lacks the endowing and combining faculties. Thus we find that this volume is wholly made up of apostrophes. He does not tell us *of* the individual,—*he speaks to it*. There are some songs in this collection, but these are of the same character. There is not the slightest attempt at narrative or story—not even a ballad, properly defining that species of composition. All is elegiac. Jeremiah's is not more entirely a book of lamentations. The language of every page is that of the individual. The whole tone of the book is religiously true to the one absorbing and morbid sentiment, and we weary of the eternal monotone, as we do of the hollow sounding of the sea upon the shore. To show that our author possesses all the qualities we ascribe to him, and with a different scheme before him, can be brought to do good things, we give a couple of extracts. Here now is a ditty equally delicate and flowing:

TO ISA SINGING.

Upon thy lips now lies
The music-dew of love;
And in thy deep blue eyes,—
More mild than Heaven above—
The meekness of the dove.

More sweet than the perfume
Of snow-white jessamine,
When it is first in bloom;—
Is that sweet breath of thine,
Which mingles now with mine.

Like an Æolian sound
Out of an ocean shell,
Which fills the air around
With music, such as fell
From lips of ISRAFAEL.

Over thy lips now flow,
Out of thy heart, for me,
The songs, which none can know,
But him who hopes to be
For evermore with thee.

And like the snow-white dove
Frightened from earth at even—
On tempests borne above—
My swift-winged soul is driven
Upon thy voice to heaven!

And the following is like unto it:

SONNET.

As graceful as the Babylonian willow
Bending, at noontide, over some clear stream
In Palestine, in beauty did she seem
Upon the cygnet-down of her soft pillow;
And now her breast heaved like some gentle billow

Swayed by the presence of the full round moon—
 Voluptuous as the summer South at noon—
 Her cheeks as rosy as the radiant dawn,
 When heaven is cloudless! When she breathed, the air
 Around was perfume! Timid as the fawn,
 And meeker than the dove, her soft words were
 Like gentle music heard at night, when all
 Around is still—until the soul of care
 Was soothed, as noontide by some waterfall.

We could select many more sweet bits like the preceding, but, really, we do not care to encourage the author in an evil practice, by bestowing too much approbation. Enough that we show what he can do, and not that he has done well already. As a Southern poet, we are too anxious that he should be successful, to say any thing which might confirm him in his present erroneous career.

Talking of poetry, reminds us to say something of a small copy of verses, the fate of which has been somewhat singular. In Mr. Anthon's lately published "System of Latin Versification,"—a school-book, which, like most of those from the hands of the same author, deserves all the praise which it has received, there occurs one of those little mistakes into which the most careful persons will sometimes fall. The point is irrelevant to the main object of the book, but that furnishes no good reason why it should be left unnoticed. Among the specimens of English poetry, which the professor has selected for the exercise of the student's capacity to render into latin, are the very sweet verses, by Mr. Wilde, of Georgia, commencing "My Life is like the summer rose." We had supposed, that, by this time, every body in the United States,—every reader and literary man, at least, had become familiar with these lines, and was equally acquainted with their true author. Yet Mr. Anthon ascribes them to Basil Hall, as taken from Schloss Hainfield. Now, even in that work, Hall distinctly gives the verses as anonymous, though he expresses his opinion that they were from the pen of the Countess, upon whom, it will be remembered, that he quartered himself, his wife, and all the little Halls, for something more than a season. The American press very generally pointed out his mistake. We propose to do so once more, and as

"a thing of beauty is a joy forever,"

once more to place in print, for general circulation, the sweet ditty which has been so frequently ascribed to any but the proper author. The reader will note a correction which we make in the second line of the third verse, where we restore the word, as in the original, which, as being American, was studiously expunged by the British appropriator.

STANZAS.

BY R. H. WILDE.

I.

My life is like the summer rose
 That opens to the morning sky,
 But e'er the shades of evening close,
 Is scatter'd on the ground to die;
 Yet, on that rose's humble bed,
 The sweetest dews of night are shed,
 As if Heaven wept such waste to see—
 But none will shed a-tear for me.

II.

My life is like the autum leaf,
 That trembles in the moon's pale ray.

Its hold is frail, its stay is brief,
 Restless, and soon to pass away;
 Yet, e'er that leaf shall fall or fade,
 The parent tree shall mourn its shade,
 The winds bewail the leafless tree,—
 But none shall breathe a sigh for me.

III.

My life is like the print, that feet
 Have left on Zara's [Tampa's] desert strand,
 Soon as the rising tide shall beat,
 The track shall vanish from the sand:
 Yet, as if grieving to efface
 All vestage of the human race,
 On that lone shore loud mourns the sea,—
 But none shall e'er lament for me.

Eugene Sue. The cupidity of the publishers is doing irretrievable injury to the American (?) reputation of this writer by raking up from forgetfulness, and translating, all the early productions of his pen. Here now, is a story entitled "*The Temptation*," which is one that an author might very well implore to have buried forever out of sight. With little or no merit, as a literary performance,—without ingenuity in the plot, or attraction in the *dramatis personæ*,—it is vicious in its tastes and full of the most prurient and debauching matter. Its grossness exceeds what the writings of this author usually afford, and is only to be excused by supposing that he was very young or very maudlin when he wrote it, if, indeed, either fact could excuse such folly and bad taste. This "romantic tale" has scarcely one redeeming merit. As a conception, it is poor and feeble, as a performance, it is spiritless and stupid.—Of rather better character is another story by the same author, called "*Rohan, or the Court Conspirator*." The tragedy of this narrative is quite too deep and dismal. There is a want of repose and relief about the work which materially diminishes its interest as a tale, and its merits as an achievement of art. The horror is quite too unmitigated, and a more repulsive portrait than that of the great (French) Henry, could not have been drawn. Latreaumont is too much of a brute, and De Rohan too much of an imbecile, in his hands, to commend either character very much to our sympathies. The story has life, however; and constant progress, and exciting occurrences, carry the reader forward with a rapidity which prevents him from becoming over-nice and critical.

We pass with pleasure to a third and recent publication, by M. Sue, of which we can speak a less qualified language. "*The Godolphin Arabian*" is one of a class of subjects quite new to the novelist, and the very attempt of the writer to make it available for the purposes of fiction, promises equally for his courage and resources. The Godolphin Arabian, is the famous horse from the East, named after Earl Godolphin, from which the English derived their noblest heroes of the turf. We are not unaware that there is a curious and interesting history of the manner in which this famous animal was conveyed to England, but are unable to say in what degree M. Sue has been indebted to facts for the materials of this very interesting little romance. We find pleasure in saying that it is one of the most really perfect, and least objectionable stories which has ever issued from the pen of this writer,—that which, to our mind, really speaks more for his talent and ingenuity, than any other of his works of twice the compass. Of a subject which promises little, he has made a very pleasing and attractive story.

and topics of singular delicacy, he has contrived to work up in a manner the least possibly offensive.—His Agba, the devoted oriental groom, is a well conceived and happily drawn character; and of Scham, the horse, afterwards Godolphin, the moral history is at once unique and delightful. This sporting romance should win for M. Sue, the freedom of the turf on every course in Christendom. While we write, his story of the "*Wandering Jew*" is falling in petty dribblings from the press. The danger is that, published in this manner, the interest of the public in the story, will expire before that of the author and his publisher. The work is very far from equalising in merit, that by which his reputation was chiefly won,—the *Mysteries of Paris*. Its details are languidly given, and the progress of the action is exceedingly slow. His assaults upon the Jesuit establishment in France contribute the ablest portions of the tale, and these do not seem to be developed with more than ordinary ingenuity. Now, that this society is about to be withdrawn from the country which holds it in such odium, the author will probably find it necessary to transfer a portion of his vigour to the other persons of his drama. What effect, by the way, will the expulsion of the Jesuits have upon the farther proceedings of M. Rodin and D'Aigrigny in their attempts upon the Rennepont estates? This is a serious question for the novelist. It is like robbing him of so much literary capital to send the Jesuits out of Paris before he has quite done with them. Louis Phillippe has not, in this proceeding, consulted the interests of M. Sue. The last numbers of the '*Wandering Jew*,' received, to this moment, are the 13th, 14th and 15th. In the first of these, there is a fine scene, that of the rescue of Father D'Aigrigny, from the fury of the mob, by the good Priest Gabriel. The scene closes with an ingenious *coup-de-theatre*. In the 14th part, we congratulate ourselves at the increase of interest, in consequence of the dying off of some of the unnecessary parties. The dramatic character of a performance may be greatly impaired by the too great number of the persons. The fifteenth number is occupied chiefly with the practice of the Jesuits upon M. Hardy, the manufacturer, in their *retreats*. He is fairly in their clutches, and, in that state of physical and mental weakness, when it is easy to prompt the moral nature to succumb. The defect in this portion of the story consists in the inequality of strength between the parties. All the cunning is on one side,—all the simplicity, not to say, stupidity, on the other. The game is scarcely a fair one,—the hands are not matched, and we need scarcely say that the story loses in probability, even as a rubber in whist loses in interest, with the extremest inequalities of skill and common sense between the rival powers of good and evil. It is quite too easy a victory, when, on the one side, we see nothing but cunning and malice,—on the other, nothing but weakness and good faith. Such being the condition of the opposing parties, miracles become absolutely necessary for the ends of justice, and the restoration of the balance between them. In this way, the novelist is compelled to outrage propriety and probability, when, perhaps, the purposes which he has in contemplation, might be brought about more naturally and equally well, by a little simple pains-taking in the arrangement of the preliminaries of the scheme. A little more invention might lessen the emergencies of the author, and better satisfy the reader of the truthfulness of his narrative. But this defect is due, measurably, to the *serial* plan of publication, which leads necessarily to much desultory writing. Another evil result of this mode of composition, is the tedious minuteness with which the author begins over his details. This is a striking fault in the writings of M. Sue, and is often,

sively apparent in the number before us. No particular, however trifling in itself, or unimportant to the story, is suffered to pass without a chronicling so literal as to seem emulative of the nice specifications of a lawyer's declarations. Thus, for example, in describing a surgical operation of a painful nature, to which M. Rodin has to submit,—a scene, by the way, which is scarcely so attractive as disgusting—the minuteness of the directions which the chief surgeon gives to his assistants, is ridiculously elaborate. Cotton wicks are to be used, and the reader is made to listen to the length and breadth, and number of the strands, when it would perfectly satisfy and inform him if he knew no more than the simple general fact of their use. There is a good scene in the 15th part, between Djalma and Faringhea, the Thug. The labored voluptuousness of the scenes between the semi-barbarian Sybarite Prince, and Adrienne de Cardoville, is scarcely grateful to delicacy, and quite too obviously labored to be agreeable to art.

D'Israeli. Here is something from a writer of well known genius and ability. "*Sybil, or the Two Nations*," is the attractive title of a new political moral by Benjamin D'Israeli, M. P. It is a companion story, rather than a sequel, to the tale of "*Coningsby*," from the same pen, published last season. That work, in the substantial respects of good sense, and excellent style and natural dialogue, was one of the best of the author's productions. If it showed less of genius and imagination, it was, at all events, much freer than usual of his accustomed vagaries. Besides, it gave us no imperfect glimpses of the condition of society among the leading classes, and enabled us to determine, for ourselves, upon several of the aspects in the political condition of England. "*Sybil, or the Two Nations*," aims at similar objects. It aims at something more, indeed, than mere description. Mr. D'Israeli is a member, and would be the leader, of a new party in Great Britain. He is supposed to represent "Young England" as one of the estates of that country, destined to have vogue, and to pass into the high places of power. Any catastrophe in England will probably bring about this object. Any disasters in India—any substantial commotion in Ireland,—a war with the United States, or with France,—may operate greatly to facilitate the hopes and prospects of "Young England." Whether Mr. D'Israeli will continue to be the leader, when the time of action shall have arrived—when real issues are in progress, and ultimate responsibilities are to devolve upon the politicians,—is a question, which, from the desultory career of this gentleman hitherto, will probably be answered by most persons in the negative. But of his book rather than himself. "*Sybil*" is the name of his heroine, and a fine creature she is. We congratulate him upon the felicity of the conception, and upon his success in its delineation. The two nations, are those which lie beneath the sway of Victoria. "But what two nations are these?"—will be the question of the reader. The answer is distinguished, at this juncture of '*strikes*,' '*machinery*,' '*low wages*,' and '*Chartism*,' with an abrupt significance. The two nations of Victoria are *the rich and the poor*. That Mr. D'Israeli has thus authentically set these two parties in opposition, is somewhat significant of his own political feelings and sympathies. We are not prepared to say or to believe, that he has fairly represented the character and condition of these opposing families. That the English nobility is about the coldest and most heartless in the world, we have every reason to believe. That they are quite as frivolous and silly, as they are cold and heartless, is not so very certain. Doubtless, they are silly and frivolous enough; that portion of them, at least, which live by, and have a faith in little else than, fashion and fashionable society. But we

trust, for the sake of humanity, if not of England, that this class constitutes no leading portion of her aristocracy. Of the description which Mr. D'Israeli gives of the nation of the *Poor*, under the sway of Victoria, we have less reason to doubt the fidelity. His developments on this subject, may all find illustration, from a single extract which we make from these pages. Hear him:

"They come forth: the mine delivers up its gang and the pit its bondsmen; the forge is silent and the engine is still. The place is covered with the swarming multitude; bands of stalwart men, broad-chested and muscular, wet with toil and black as the children of the tropics; troops of youth—alas! of both sexes,—*though neither their raiment nor their language indicates the difference, all are clad in male attire; and oaths that men might shudder at, issue from lips born to bear the words of sweetness.* Yet these are to be—some are—the mothers of England! But can we wonder at the hideous coarseness of their language when we remember the savage rudeness of their lives? *Naked to the waist, an iron chain fastened to a belt of leather runs between their legs, clad in canvass trousers, while, on hands and feet an English girl, for twelve, sometimes for sixteen hours a day, hauls and hurries tubs of coals up subterranean roads, dark, precipitous and plashy: circumstances that seem to have escaped the notice of the Society for the abolition of negro slavery.* These worthy gentlemen, too, appear to have been singularly unconscious of the sufferings of the little Trappers, which was remarkable, AS MANY OF THEM WERE IN THEIR OWN EMPLOY. See, too, these emerge from the bowels of the earth! *Infants of four and five years of age, many of these girls, pretty and still soft and timid, &c.*"

So much for this picture. Its truth is attested, not by the novelist merely,—not by the philanthropist, too apt to color his philosophies and facts with the feelings of his heart,—but by stern and calculating business committees of the House of Commons. The truth of this history is beyond denial. Mr. D'Israeli does not seem to be prepared with any specific mode of operations by which to relieve this misery. It is the worst feature in the domestic condition of England, that it baffles the judgment, and sets at defiance all the speculations of the statesmen. Nothing but a revolution—such a revolution as the English nobility are not willing to contemplate just yet,—can possibly save them,—if things continue thus much farther,—from insurrection and civil war. The nostrums of the politicians, —where they venture upon any,—are palliatives merely, putting off the evil day, and scattering, for awhile, those humors, which, gathering to a head at last, must find their relief in some fearful crisis. This romance deserves to be read. It is somewhat curious and worthy of remark, that the very condition of ancient England, when it was called, and deserved to be called "*Merrie England*,"—over which Mr. D'Israeli seems to gloat with the most hankering solicitude, was one in which the relation of the *feud* to his lord, was not greatly superior—nay, was very much like—to that of the slave, at this time, in the old established plantations of the South. Ours is in truth not so much slavery as feudality. Discard the ordinary terms of argument, and look at the intrinsic condition of things, and our bondmen appear in quite as independent,—and in fact a much more secure attitude—than that of the Commons in Harry the VIIIth's time. They enjoy better food, as much freedom, and greater security from injustice;—and, if not at liberty to exercise, in all respects, that sovereign will, which is but a poor substitute for the substantial necessities and comforts of life,—are yet secure from hunger and starvation, secure of protection, of tendance in sickness, and a shelter when the frosts of age come on.

Harper's Illuminated Bible. We are in receipt of this beautifully printed edition of "*the Book*," up to, and inclusive of, the thirty-third and thirty-fourth parts. We do not see that the publication deserves less of the favor of the press than it did

when its first numbers were issued. Chapman and Adams have admirably sustained themselves. The cuts are usually in good keeping with the subject. If there be a defect at all—one sufficiently marked to be the subject of comment—it arises necessarily from the somewhat arbitrary plan of the publication, by which the artist is required to find, in every chapter, something upon which to exercise his genius. This requisition would present a difficulty, not only beyond the powers of any one, but almost superior to those of any collection of artists. There are some portions of every work, the Bible particularly, which are so abstract and spiritual in their nature, as to defy the pictorial arts—unless indeed, you take such liberties with the subject, as would scarcely be allowed to art, in dealing with a work of such sacred character as the present. Allston, we know, shrunk from the attempt to delineate the Saviour. Chapman who designs these illustrations, is perhaps the only painter in America, who could have met the exactions thus imposed upon him, with such uniform excellence, and so well avoid the monotony which the constant repetition of similar forms and topics so inevitably imposes upon the artist. He extorts a pleasing image from the most unmanageable verses, and contrives to find the concrete, in conceptions the most sublimated and ideal. This work, when finished, will be a monument of his ingenuity and industry, as it is of the providence, the bounty, and the various other wondrous manifestations of the Great World Artist! The "Resurrection of the dry bones," in one of the later numbers, is an unhappily chosen subject, with which no painter could succeed, and in the treatment of which, Mr. Chapman has been guilty of a decided failure.

Wiley and Putnam continue to give us at regular periods, some of the most delightful of modern publications. We have scarcely done justice to their "*Library of Choice Reading*," of which several numbers are now before us, and to which no brief summary like the present can possibly do justice. We must now content ourselves, with a brief glimpse at their general merits, premising that some few in the collection, as *Eöthen*, &c., have already received our attention in previous issues. That we should speak of them a second time, is due to their merits, and to the fact that we desire to speak of them in groups and families, according to a reasonable classification. We do this, as we perceive that no such order has been observed, in the arrangement and composition of the several numbers, as they have been bound in volumes. This, we think, an important matter, which may well provoke the attention of the publishers. Of these groups or families, the collection before us, comprises three at least, each essentially differing from its fellows in certain vital characteristics. This difference, as it affords us a desirable variety, is, of course, one of the proper recommendations in the functions of a Library. "*Eöthen*," "*The Crescent and the Cross*," and the "*French in Algiers*," are works of kindred nature, being lively narratives of travel and adventure in eastern countries. Of these, "*Eöthen*" is the work of the better artist. It is compact and finely imaginative,—the mind of the author giving a distinct and individual coloring to all the objects of his survey. "*The Crescent and the Cross*," is the work of a writer of livelier and more sanguine temperament.—The rapidity of the author's mood carries you over the scenes which he describes, so that they occur to you in picturesque glimpses very much as you behold them in the unfolding scenes of a panorama. His fancy gives life to his narrative, which his temperament informs with enthusiasm. In this particular, he resembles our American traveller, Stephens,—to whom, however, he

is altogether superior in resources and education. "The French in Algiers," embodies two narratives, by persons of very different manner from either of the former. "The Soldier of the Foreign Legion," is one of those lively and good-humored wanderers, who will contrive to make themselves tolerably happy and at home in almost any situation. His narrative, accordingly, is that of the purely practical adventurer, who has no flummery, and precious little sentimentality; but who observes curiously, sees with his own eyes, and takes in, at a glance, the entire whole, or all that is worthy of notice, in the scene before his vision. His narrative is a very pleasant one, and, with that of "The Prisoners of *Abd-el-Kader*," affords a very clear and correct idea of the condition of the French conquests in Algiers, and of the habits and character of the natives. To these may be added "The Journal of an African Cruiser," and Headley's "Letters from Italy"—works belonging to the "Library of American Books," but proper for this collection,—belonging to the same department of letters, uniform in size and style with, and quite worthy of, the family connection. In the second group, we bring together "The *Amber Witch*," "Undine and Sintram," "The *Diary of Lady Willoughby*," "The *Ancient Moral Tales, from the Gesta Romanorum*," the "Tales of *Zschokke*," from the German, and the "Crock of Gold," a rural novel, by Martin Farquhar Tupper. These works, all, more or less, confine their appeals to the affections and the sensibilities. The first is a very beautiful tale of domestic life, giving a rare picture of fortitude and virtue under the severest trials. The "*Diary of Lady Willoughby*" is a very successful attempt, by the hands of a nice artist, so to imitate the supposed style and manner of a lady of quality, in the times of Cromwell, as to impose upon the reader such a picture of the condition of the country, at that exciting period, and of one select family in particular, as to beguile him of all doubts, while he is reading it, that the narrative is a true one. The exquisite displays of the pure female heart of the supposed writer, in the prosecution of her daily duties, and the endurance of her domestic burdens, increased heavily by the hands of civil war, soften and sweeten the picture of that external world which she describes, and which is made most beautifully to contrast with the dear and simple events of daily life at home. "Undine and Sintram," are, in like manner, pictures of domestic affections and human sensibilities, under other circumstances, and beheld through the medium of the imagination purely. They are among the very best specimens of that fanciful and sublimated style of conception and composition, which, in latter days, we have learned to associate almost too exclusively with the genius of the German. In the "*Ancient Moral Tales from the Gesta Romanorum*," we find the sources of much of the material, which is to be found embodied and elaborated in the more intense and spiritual among the writings of modern and recent writers. We may see where Shakespeare (at second hand, perhaps,) and Southey, directly,—have borrowed some of those plots and incidents, which delight us in the forms of poetry and the drama. The "*Gesta Romanorum*," was the work of the monks of the middle ages, and it speaks well for their taste, their knowledge of art, and their skill in composition. The collection is at once pleasing and instructive, and the tales are each preceded by certain colloquies, developing their sources, objects and moral, which materially assist and inform the reader, and betray good taste, acuteness, and sometimes originality of suggestion.

(TO BE CONTINUED.)

POPULAR FICTION. HARPER'S PUBLICATIONS.

XII. *Isabel, or the Trials of the Heart*. Isabel is a model-girl, to imitate whom, will sadly try the strength of our young damsels. She is almost too perfect; and her exquisite meekness, patience, moral courage, and rare accomplishments, under the most cruel of domestic trials, will, we fear, in one too many instances, rather tend to depress than to encourage the emulous but faltering student. Still, we hope not. The world is too good a one to be lost, and we sincerely trust that this excellent story will find its way into many hands, and thence into many hearts. The volume is intended for the young.

XIII. *The Blind Girl*. By Mrs. Embury.—Mrs. Embury has written much better things than any contained in this volume. But the "Blind Girl" is not without its merit. The story is pleasing and instructive, and does justice to the noble and judicious charity which its publication was intended to support. To the young, its perusal must be highly useful and agreeable. It teaches good lessons, prompts sweet humanities, and puts in motion the most grateful thoughts. The tales which follow it are of inferior merit, but are commended to us, as they combine good morals with a pleasant narrative.

XIV. *St. Patrick's Eve*. By Charles Lever.—A story truly characteristic and national:—one of those slight, but graceful and perfect structures of a clever invention, which hold together naturally, excite and finally satisfy curiosity. The tale is a touching one, and furnishes such a life-like picture of the wretched condition, and the worst and best features of the Irish peasantry, as could be given by few other writers than Charles Lever.

XV. *The Gambler's Wife*.—In this story, which is interesting and full of talent, we are made to sup too much on horrors. There are unnecessary cruelties in the transaction. Murders are done without any profit to the story; and madness and suicide, are the agents which our author employs, very inartistically, to produce good morals in parties, with which the suicide and the insane have no necessary connection. The introduction of the Raymonds, and their shocking history, was totally unnecessary to the results; which might, and should have been, brought about by other means. The killing of Lord Percival, for no purpose, but to make way for another man, after his most gratuitous introduction, was a most wanton sample of the sanguinary. But, with all these blunders and defects, and many more which need not occasion remark, the story will interest and counsel. We are not sure, however, that the morals of men are to be much helped, by venting so much anger upon the unconscious agents of their profligacy,—the cards, the dice,—and with so little said about their training. The vicious parents, the silly mother, the brutal and bigoted father, are all very well satisfied to place to any accounts but their own, that cruel fate which follows their child, and which is wholly chargeable to themselves.

XVI. *The Breach of Promise*.—This novel is by the author of "The Jilt," "Consin Geoffrey," and "The Marrying Man,"—all very readable, but none remarkable books. The "Breach of Promise," is of average merit with these,—scarcely better,—certainly not worse;—a pleasant enough story for a summer day,—giving you pleasant glimpses of 'motley,' in groups of people that glide to and fro, as in the figures of a camera without disturbing you, or offending the vision.